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नई दिल्ली, शनिवार, नवम्बर २, १९६८/कार्तिक ११, १८९०

No. ४४]

NEW DELHI, SATURDAY, NOVEMBER 2, 1968/KARTIKA 11, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 15th October 1968

S.O. 3808.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Government of Tripura hereby nominates Shri C.P.K. Erady, Secretary to the Government of Tripura, as the Chief Electoral Officer for the Union Territory of Tripura from the afternoon of the 14th August, 1968 to the afternoon of the 11th September, 1968 vice Shri N. G. Choudhury transferred.

[No. 154/20/68(I).]

New Delhi, the 16th October 1968

S.O 3809.—In pursuance of sub-rule (1) of rule 23 of the Registration of Electors Rules, 1960, the Election Commission hereby directs that the following amendment shall be made in its notification No. 429/66(2)/J&K/HP, dated the 10th December, 1966, namely.—

For the work and figures "rule 21" the words, figures and letter "rule 21 or rule 21A" shall be substituted.

[No. 429/68(2)/J&K/HP.]

New Delhi, the 17th October 1968

S.O. 3810.—In pursuance of sub-rule (1) of rule 23 of the Registration of Electors Rules, 1960, the Election Commission hereby directs that the following amendment shall be made in its notification No. 23/DN/65, dated the 24th March, 1966, namely:—

For the word and figures "rule 21" the words, figures and letter "rule 21 or rule 21A" shall be substituted.

[No. 429/68(2)/DN.]

S.O. 3811.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Government of Pondicherry hereby nominates Shri P. N. Subramanian, Secretary to the Government of Pondicherry, Department of Finance, as the Chief Electoral Officer for the Union Territory of Pondicherry, from the date he takes over charge and until further orders *vice* Shri G. Gopalakrishnan.

[No. 154/21/68.]

New Delhi, the 18th October 1968

S.O. 3812.—In pursuance of clause (b) of sub-section (2) of section 116-C of the Representation of the People Act, 1951, the Election Commission hereby publishes for general information the Judgment of the Supreme Court of India, delivered on the 8th August, 1968 in Civil Appeal No. 1895 of 1967 filed by Shri Somchand Manubhai Solanki against the Judgment and Order dated the 9th November, 1967 of the High Court of Gujarat at Ahmedabad, in Election Petition No. 23 of 1967.

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1895 (NCE) OF 1967

Somchand Manubhai Solanki—*Appellant*.

Versus

Karsondas Ukabhai Parmar and another—*Respondents*.

JUDGMENT

MITTER, J.—This is an appeal by a returned candidate from an order of the Gujarat High Court setting aside his election on an election petition filed in respect of a Parliamentary constituency being No. 10—Gandhi Nagar Parliamentary Constituency reserved for Scheduled Castes. There were originally four candidates contesting the election but one withdrew from the contest leaving three on the field. The poll was taken on February 21, 1967 and the result was declared on February 24, 1967. In the said election the appellant (the returned candidate) obtained 1,56,146 votes as against the election petitioner's 1,26,208 and the second respondent's 50,702 votes.

In the election petition filed on 10th April, 1967 various grounds were set up for declaring the election of the appellant void. This appeal is concerned only with grounds Nos. 4 and 5. Ground No. 4 was to the effect that the respondent No. 1, his agents and other persons with his consent had committed a corrupt practice of obtaining or procuring or attempting to obtain or procure assistance for the furtherance of the prospects of the first respondent's election from persons in the service of the Government and belonging to the category of Gazetted officers, members of the police force, etc. No less than five categories of such persons were specified and several persons belonging to such categories were named in sub-para (a) to (c) of ground No. 4. But the only one with whom the learned trial Judge had to deal was one Jethelal B. Jadhav said to be serving in the Income-tax Department of the Government of India. The learned Judge did not accept the evidence with regard to the assistance alleged to have been rendered by Jadhav and the point has not been pressed before us in this appeal by counsel for the election petitioner.

The fifth ground in the petition was to the effect that "the first respondent and his agents, with the consent of respondent No. 1, had published false statements which they believed to be false and did not believe to be true in relation to the personal character, conduct and the candidature of the petitioner with a reasonable calculation to prejudice the prospect of the petitioner's election." The main charge under this head was the free distribution throughout the constituency by the first respondent and his workers with his consent of the issue of the 10th February 1967 of a fortnightly paper named "Tamanna". This paper was being published and edited by one Jayantibhai Subodh described in the petition as actively working for the first respondent in the election and the person mainly responsible

for the propaganda on his behalf. Subodh was also said to have been one of the founders of the Backward Voters Council which had espoused the cause of the first respondent in the election. The publication of this issue by Subodh was said to have been done with the consent of the first respondent. A translation of a portion of the issue of "Tamanna" dated 10th February, 1967 is to be found in the petition. It is not necessary to reproduce the same because there can be no doubt that the allegations made in that issue did reflect seriously on the conduct and character of the petitioner. It was even stated in that issue of the paper that the petitioner who was a candidate of the Republican Party was struggling to get votes by going to the villages and offering sweetmeat packets to Harijan voters. Mr. Sen, learned counsel for the appellant tried to convince us though rather half-heartedly, that the reference to the conduct of the petitioner in the said issue of "Tamanna" were not made literally but only allegorically. We find ourselves unable to take that view as there were direct references to the petitioner trying to bargain with the Swatantra Party and attempting to get one Hamesh Parmar to withdraw his candidature by offering money to him and pawning the so-called Republican Party with Shri Wadilal Mehta, the seth of the Swatantra Party.

The question which the learned Judge had to deal with at the trial of the election petition and which is before us now is, whether the first respondent was responsible for the publication of the issue of the "Tamanna" dated 10th February 1967, and secondly, whether even if he was not responsible for such publication, he was responsible for the distribution of that issue to various persons at different places in Gandhi Nagar Constituency either by himself or through his agents and workers with his consent to the detriment of the petitioner. Quite a large number of witnesses were examined before the trial Judge but only four witnesses were relied on for the purpose of showing that there had been publication of false statements regarding the petitioner by the distribution of the impugned issue of the Tamanna at different places and we propose to examine the evidence adduced by these witnesses in the order in which they were examined.

The first witness was one Chhanbhai (P.W.4) of Dehgam. He said that the first respondent had come to Dehgam for his election campaign. About six or seven days before the date of the poll, the witness had gone from Dehgam to Nandol village (3 miles from Dehgam) to attend a meeting of caste panch attended by about 1000 people. The first respondent and his workers including one Jayantibhai Subodh and one Vithalbhai were there and they were distributing handbills and newspapers. He could not recollect the name of the newspaper but said that he would be able to identify it if it was shown to him. On being shown a copy of the issue of "Tamanna" dated 10th February 1967, he said that copies of this particular issue had been distributed to several persons at that meeting in Mandol. In cross-examination, he admitted that he did not remember what was written in that particular copy of the newspaper. When he was shown a copy of the issue dated 25th December 1966, he said that he was not in a position to say whether this was the issue which he had seen at Nandol. Although he did not need spectacles when he gave evidence in chief he had to use the same during his cross-examination and the trial Judge has commented rather strongly about the use of the spectacles by the witness as going to show that he was not a witness of truth. The witness also said that he talked to Naranbhai Vora, the election agent of the petitioner (P.W.19) about the distribution of the newspapers at Nandol. According to him Haranbhai had come to Dehgam about two or three days after the caste Panch meeting at Nandol and it was then that he had said Naranbhai as to what had happened at that meeting.

The second witness in this connection was one Jivanlal (P.W.8) who stated in his examination-in-chief that he resided at Vijaynagar Housing Society near Kankaria, Ahmedabad. His evidence was that about six or seven days before the polling day, the first respondent, one Jethalal Jadav and Jayantibhai Subodh had come to his housing society, accompanied by about forty other persons. He immediately corrected himself by saying that it was the first respondent who had come with Jayantilal Subodh and Jethalal Jadav and that about forty persons had attended the meeting which was held after their arrival. It was Jayantibhai Subodh who had come to his house to call him for the meeting. According to him, the meeting was first addressed by Jayantibhai Subodh, then Jethalal Jadav and lastly by the first respondent, and after the speeches were over, a booklet published by the Backward Classes Voters's Council and some issues of the journal "Tamanna" were distributed amongst those who had attended the meeting. He identified the booklet which was shown to him Ex.G. A copy of the 'Tamanna' being shown to him, he identified the same and said that he had received a copy of the newspaper from the first respondent. He did not, however, remember whether the speakers at the meeting had said anything about the petitioner. In his cross-examination, the first question he was asked was about the shift duty in which he was engaged at the Rohit Mills, Ahmedabad and his answer was that on the day of the meeting he was working in the day shift which commenced from 7 A.M. and lasted till 3.30 P.M. He did not recollect exactly the date on which the meeting was held but he remembered having spoken to Naranbhai Vora about

the meeting about two days prior to the date of the poll telling him that copies of "Tamanna" had been distributed after the speeches. He had not shown any copy of the 'Tamanna' to Naranbhai nor did he recollect whether he had told Naranbhai about the contents of the different articles in that issue. His cross-examination goes to show as if he had talked to Naranbhai not in his house but at some other place. His definite evidence was that Naranbhai did ask the witness to show him the copy of the issue of 'Tamanna' but he did not show that copy to him. He did not have a copy of the 'Tamanna' on the date when he came to give his evidence but he remembered that he had brought home a copy of the 'Tamanna' from the meeting. There were about 300 houses in Vijaynagar Society and copies of the 'Tamanna' had been distributed to several people residing there. He was positive that a copy of the issue had been given to each person attending the meeting. He was not in a position to say whether there was any meeting in Vijaynagar Society presided over by Khandubhai Desai nor did he recollect any meeting of the Congress Party other than the one spoken to by him. He was sure that it was the first respondent who had distributed copies of the 'Tamanna' to everyone at the meeting.

The next witness was one Nanjibhai (P.W.9) who is a resident of Dehgam. According to his evidence, the first respondent had carried on election propaganda in his village at the time of the last general election and he used to go to that village along with Jayantibhai Subodh and two of four other persons. He saw the first respondent for the first time in connection with the election campaign about 15 or 20 days before the date of the poll, but the first respondent had visited the village afterwards. On one occasion during the election campaign while he was passing by the village library, he was called in by Jayantibhai Subodh who was sitting inside the library in company of other persons and asked to give his name and his place of work. On the witness answering, Jayantibhai told him that he should vote for the Congress party candidate and handed over to him an issue of the copy of 'Tamanna' dated 10th February 1967. In cross-examination the witness said that he used to know Jayantibhai Subodh even prior to the date of the above incident. He also said that Naranbhai Vora had come to Dehgam on the third day after Jayantibhai's above visit to Dehgam and after his talk with him he had handed over his copy of the issue of 'Tamanna' to Naranbhai. The witness did not recollect the exact date on which he had met Naranbhai but said it was about 6 or 7 days before the date of the poll. Naranbhai had come to Dehgam in the company of the petitioner for his election campaign and witness had invited him to tea. When Naranbhai came to his house, he saw the copy of the 'Tamanna' dated 10th February 1967 and asked him how he came to be in possession of that particular issue and the witness told Naranbhai that Jayantibhai Subodh had given him that copy about 6 or 7 days before the date of the poll. According to the witness the second visit of the first respondent to Dehgam in the course of his election campaign took place about 6 or 7 days after his first visit. At the time of that second visit, the first respondent had held a meeting at the ginning press at Dehgam which was an open general public meeting.

On Mithabhai, who was a member of the Textile Labour Association, Ahmedabad, was examined as P.W. 13. His evidence in examination-in-chief was that the chawl in which he resided consisted of about 50 buildings and in all nearly 500 persons resided in that chawl. Most of them were Harijans. About seven or eight days prior to the date of the poll, the first respondent had come to his chawl for his election propaganda work. He was accompanied by Mooldas Vijaydas Vaishya, a former member of Parliament, Himatlal Solanki and several other local workers. The first respondent had gone from house to house in the chawl and requested the residents to vote for the Congress Party; he had also asked one of the local workers to distribute amongst the residents of the chawl copies of the 'Tamanna' dated 10th February 1967. In cross-examination, he admitted that he had not been served with a witness summons in the case but Naranbhai Vora had asked him to come and give evidence there. He had a talk with Naranbhai Vora about a week after the date of the poll about the visit of respondent no. 1 to the Chawl and about the distribution of copies of 'Tamanna' in the chawl at the latter's instance. It was about a fortnight before his examination in court the witness stated that Naranbhai Vora had contacted him and informed him that he had given his name as one of the witnesses in the case. According to the witness, he had seen copies of the "Tamanna" being handed over to about five persons in the chawl and he himself had received one such copy from one of the local workers of the first respondent. He was not in a position to give the names of these five persons to whom he saw copies of 'Tamanna' being given although they were all residents of the chawl. He himself did not preserve the copy of that particular issue of 'Tamanna' which he had received.

Not content with examining these witnesses, the petitioner summoned Jayantibhai Subodh to give evidence. In his examination-in-chief, Jayantibhai said that he was in charge of the printing and publishing of the newspaper 'Tamanna' and he was also the editor of this paper. He admitted that he was the secretary of the Ahmedabad City Backward Classes Voters' Council and Ex. G being a booklet complained of what had

been published by that council. He then stated that Jethabhai B. Yadav, shown as one of the office bearers of the Backward Classes Voters Council, was not serving in the Income-Tax Department. At this stage of his examination, counsel for the petitioner asked for leave to cross-examine the witness on the ground that he was not likely to tell the truth and the learned Judge allowed the witness to be cross-examined. We find it difficult to uphold this direction of the learned Judge. Jayantibhai, no doubt, according to the petitioner, was an active supporter of the first respondent but at this stage when he was allowed to be cross-examined, he had not said anything which would lead one to take the view that he was in the witness box with the avowed object of suppressing the truth. In our opinion, the case was not one where leave to cross-examine the witness should have been given, on the materials then before the court. Cross-examined by the counsel for the petitioner, witness said that the views expressed in 'Tamanna' generally favoured the Congress Party and he himself had been a supporter of the party for about 25 years. With regard to the issue dated 10th February, 1967, he frankly admitted that he wanted the first respondent to succeed against the petitioner and he had therefore written the portion complained of in Ex. B. The materials which he had set out as facts in Ex. E were gathered by him partly from other newspapers, partly from what he came to know through correspondence and partly through other sources. He stated, however, that he was not responsible for the distribution of the copies of 'Tamanna' in the company of the respondent and the first respondent was not associated with him in printing the allegations set out in Ex. E. He admitted that the first respondent and himself were office holders in an institution known as the Backward Classes National Congress. The first respondent was the President and he was the Secretary of that body. Cross-examined he said that when he wrote the different portions included in Ex. E, he had not obtained the consent of the first respondent, nor did he do so in consultation with the first respondent or at his instance. He denied that he had gone to Nandol in the company of the first respondent four or five days prior to the date of the poll as alleged or that he had made any speech or distributed any issue of the 'Tamanna' to different people. He further denied that he had distributed copies of the issue of 'Tamanna' at any meeting held in Vijaynagar Housing Society or that he had called Jivan Lal to attend any such meeting. His evidence was that he had not attended any meeting in connection with the election campaign of the first respondent at Vijaynagar Society six or seven days prior to the date of the poll. His positive evidence was that on 11th February, 1967, a meeting had been held in Vijaynagar Housing Society presided over by one Khamchandbhai Chavda and in which Khandubhai Desai was the chief guest. He admitted having attended that particular meeting. He did not know the witness Nanjibhai Kalidas Rathod nor had he distributed any copies of "Tamanna" to any person at Dehgam at any time. He also stated that he had not accompanied the first respondent in the course of his campaigns to any place on the outskirts of Ahmedabad city or in the city itself.

Naranbhai who was an election agent of the petitioner was the nineteenth witness to be examined on the petitioner's side. In his cross-examination-in-chief he stated that even after the date of the poll he had moved about in the constituency to collect information for the election petition which the petitioner was then contemplating presenting to the High Court. He had contacted witness Chhanbhai Virbhai Rathod of Dehgam after the election results were out. Chhaganbhai had told him that the first respondent, Jayantibhai Subodh and Manoharlal Shah, the Swatantra Party candidate from Dehgam constituency had come to Nandol when a meeting of the caste Panch was being held and that Jayantibhai Subodh had distributed copies of the 'Tamanna' after the meeting which had been held about a week prior to his talk with Chhanbhai. In the same manner, he had also contacted the witness Jivanlal Sombhai Vaghela at Vijaynagar Housing Society. His evidence was that he had met Jivanlal at his house when Jivanlal told him that the first respondent, Jayantibhai Subodh and others had come to Vijaynagar Society and had addressed a meeting there. According to the witness, Jivanlal also told him that after the meeting the first respondent had given him a copy of "Tamanna" but Jivanlal had not brought with him the copy of "Tamanna" which he had received. Similarly he had contacted witness Nanjibhai Kalidas Rathod of Dehgam where he had gone a week prior to the date of the poll. Nanjibhai had invited him to his house for a cup of tea and while he was having tea he saw an issue of the 'Tamanna' lying on a table. Nanjibhai then told him that two or four days earlier, the first respondent and Jayantibhai Subodh had come to Dehgam for election propaganda work and on that occasion the first respondent had given him the issue of 'Tamanna'. Mithabhai, P.W. 13, told him that the first respondent, Jayantibhai Subodh, and Jethalal Jadav had come to his chawl and had distributed copies of a booklet published by the Backward Classes Voters' Council and of issues of 'Tamanna' to several leading workers in that area.

On the side of the first respondent only three witnesses were examined including the respondent. The respondent admitted that he had visited Dehgam in the course of his election campaign. The first occasion when he had gone there was on 7th December, 1966.

He had not visited Dehgam six or seven days prior to the date of the poll. About twenty or twenty five days prior to the date of poll, an election meeting was held at the ginning press of Dehgam. He had attended that meeting also. This was his second visit to Dehgam in the course of his election campaign. At the time of his visit to Dehgam in December 1966, he had taken Jayantibhai Subedh with him because he was quite well known there. Apart from this particular visit to Dehgam in the company of Jayantibhai, he had not moved about anywhere else in his constituency in Jayantibhai's company. He, was not a subscriber of the 'Tamanna' although he had been receiving complimentary copies of that paper after his election. He came to know about the impugned matter printed in 'Tamanna' against the petitioner only when he received a copy of the election petition. In cross-examination it was put to him that he was on the advisory board of the 'Tamanna' newspaper and Ex. L being a news item printed in an issue of that paper, was shown to him. In this connection he admitted that he was present at that meeting and he had read messages from different persons received in connection with the convention of the Backward Classes Education and Welfare Society. His definite evidence was that he did not know that he had been appointed as a member of the Advisory Board of that paper. The news item 'L' shows that he was a Vice-President of the institution and that Jayantibhai Subodh, the editor of 'Tamanna' was also there. He disclaimed his connection with editorial policy of the writings in the 'Tamanna' with particular reference to the issue dated 10th February 1967. He said that the same had not been written at his instance or at his suggestion. As regards Jayantibhai Subodh, his evidence was that the latter did not help him in his election campaign nor was he one of his workers but he had acted as one of his counting agents at the election.

It is to be noted that in the election petition itself full particulars were not given about the publication of the 'Tamanna' or the distribution of the issue of 10th February 1967 to various people at different places. The first respondent had only himself to blame in that he did not ask for further and better particulars in which case it would have been easier for him to have met the allegation or contradicted the evidence of the witnesses who were cited against him by calling other witnesses. We have however to examine the evidence which was brought before the court and to see whether a charge of corrupt practice was established.

In examining the evidence it must be borne in mind that the charge of corrupt practice is something very similar to a criminal charge, and must be established by cogent and reliable evidence beyond any reasonable doubt. The person seeking to establish the commission of a corrupt practice against a candidate must bring before the court unimpeachable evidence which would justify the court in coming to the conclusion that a charge of corrupt practice had been proved in such a way that there could be no reasonable doubt about the commission thereof in the mind of any person. It is not possible to lay down any rule as to how many witnesses should be examined to establish the charge of a corrupt practice but in a case like this where it is alleged that there had been free distribution of a newspaper containing defamatory matter about the petitioner throughout the constituency one would expect at least more than one witness to testify to the fact that the leaflet or the newspaper containing the matter complained of had been given to them at the meeting or thereafter by the candidate charged with the corrupt practice or by someone else with his consent. It may be that in a particular case the Judge can rely on the evidence of a solitary witness of unimpeachable character in coming to the conclusion that the charge had been established but the witness must be such that the Judge can safely rely on his testimony. Speaking generally, the evidence of a witness deposing to the fact of distribution of defamatory matter contained in a leaflet not published by the candidate would require some corroboration. In this case only four witnesses were examined to speak about the distribution of the newspaper 'Tamanna' at four different places. The learned trial Judge has discarded the evidence of three but accepted the evidence of one as being sufficient in his opinion to establish the charge. The Judge rejected the evidence of Chhanbhai Virabhai Rathod (P.W. 4) mainly on the ground that although the witness identified the issue of 'Tamanna' dated 10th February 1967, during his examination in chief without the use of spectacles in cross-examination he said that he could not read without the assistance of the same. We may add that even in his examination-in-chief the witness could not recollect the name of the newspaper which the first respondent and his workers were said to be distributing but he sought to identify it when it was shown to him. How he could identify it without the spectacles it is difficult to see. In cross-examination he said that he had told Naranbhai about the distribution of the newspaper two or three days after the meeting at Nandol but this was not borne out by the evidence of Naranbhai. According to the latter, Chhanabhai had told him about the distribution of this paper after the election results were out.

The learned Judge accepted the evidence of Jivanlal Somabhai Vaghela. According to the Judge, he was a witness of truth because he was given his evidence in a straightforward manner and the Judge relied mainly on the demeanour of the witness in the

witness box for this purpose. In our opinion, however, the evidence of this witness was not such that it could be held to be conclusive by itself. He contradicted himself almost at the very commencement of his examination-in-chief. He said at first that six or seven days before the polling day in the constituency the first respondent, Jethalal Jadav and Jayantilal Subodh had come to the society accompanied by about forty persons. He corrected himself very soon afterwards by saying that forty persons had not accompanied the first respondent but forty was the number of persons present at the meeting which was held at the Housing Society. Besides this, in one important aspect the evidence of this witness was not borne out by Naranbhai, the petitioner's election agent. According to this witness, a copy of the issue of 'Tamanna' had been given to him by the first respondent on the day of the meeting. As noted already, his evidence in cross-examination was that he did not meet Naranbhai at his house and had not shown him the copy of the 'Tamanna' although requested to do so but had told him at the first interview with him that he had a copy of the issue of 'Tamanna'. Naranbhai in his evidence however said that he had met Jivanlal at his house when Jivanlal had told him that the first respondent had given him a copy of the 'Tamanna', Jivanlal's evidence, as already noted, goes to show that he had not met Naranbhai at his house because he told Naranbhai that he had not brought with him the copy of the 'Tamanna' which he had received from the first respondent.

It is difficult to accept the evidence of Jivanlal for other reasons also. As we have noted before, according to Jayantibhai Subodh, the meeting at Vijaynagar Housing Society had taken place on 11th February, 1967, that is to say, 10 days before the poll and it was presided over by Khemchandbhai Chavda and also attended by Khandubhai Desai. It would have been easy enough for the petitioner to have called witnesses to discredit Jayantibhai, and corroborate Jivanlal to the effect that there had been no meeting at Vijaynagar Society on the 11th February or that as a matter of fact the meeting had been held six or seven days before the date of the poll when the distribution of the 'Tamanna' of 10th February, 1967 had taken place. According to Jivanlal about forty persons had attended the meeting and it was surprising that as one besides him would be found to come and corroborate his testimony.

With regard to Jivanlal, counsel for the appellant moved an application for the taking of additional evidence which according to him would clinch the matter and demonstrate to the court that Jivanlal could not possibly have attended the meeting six or seven days before the date of the poll in the evening inasmuch as the records of the Rohit Mills where he was working would show that at that time Jivanlal was engaged in the night shift thus excluding the possibility of his presence at any meeting in the evening at Vijaynagar Housing Society. It is to be noted that no attempt to adduce such evidence was made before the trial Judge. It is also to be acted that Jivanlal was examined on 20th October, 1967 and the examination of the witness went on till 6th November, 1967. If the respondent was so minded there was ample opportunity for him to have secured evidence from the Rohit Mills before the conclusion of the case and we have no doubt that if an application had been made to the learned trial Judge in between 20th October, 1967 and 6th November, 1967 for recalling Jivanlal for the purpose of contradicting him by the record of the Rohit Mills, the learned Judge would have allowed it. That apart, this is not a case where we feel we cannot come to a decision in the absence of evidence now sought to be produced before us. For what has happened, the appellant has himself to blame and in our opinion no case has been made out for the exercise of our jurisdiction under the provisions of Gr. 41 r. 27 of the Code of Civil Procedure.

The learned Judge did not accept the evidence of Nanjibhai Kalidas Rathod (P.W. 9). We see no reason to take a view different from that of the learned trial Judge with regard to the evidence of this witness. The testimony of this witness is of such a character that we find it extremely difficult to believe it. According to his evidence, he was passing along the road when Jayantibhai Subodh who was sitting inside the library called him in and asked him who he was and where he was working. Then he told him that he should vote for the Congress party and gave him a copy of the 'Tamanna' dated 10th February, 1967. If Jayantibhai Subodh and the first respondent were out in an election campaign it was hardly likely that while they were sitting or resting in the library, they would call up people from the street and trust into their hands a copy of the 'Tamanna' which contained matter derogatory to the petitioner. More than that, the way in which Naranbhai came to learn about this witness knowing anything about the distribution of the issue of 'Tamanna' is such that it cannot possibly be accepted. According to this witness he met Naranbhai six or seven days before the date of the poll and had invited him to tea. It was a strange coincidence that when Naranbhai was having his tea that he saw a copy of the 'Tamanna' dated 10th February 1967 lying about in the house of the witness and asked the witness how he had come to be in possession of it. The evidence of this witness as to his getting a copy of the 'Tamanna' his coming across Naranbhai and the latter's find of the copy in the house of the witness is so suspicious that we cannot give credence to it.

This leaves us with the evidence of Mithabhai Ambaram Parmar (P.W. 13). The learned trial Judge did not accept the evidence of this witness mainly on the ground that he was a partisan witness. The learned Judge thought him to be such because he admitted having joined the petitioner in his companion for breaking open the locks at the Sachivalaya at Ahmedabad. The witness however denied this suggestion. In our opinion, however, there are other circumstances which go against the acceptance of the evidence of this witness. The first thing to note is that he was an un-summoned witness. It was only in the first week of October, 1967 that Naranbhai Vora contacted him and requested him to come and give evidence in this case. Another thing to note about this witness is that he said that the first respondent had gone to the chawl accompanied by Mooldas Vijaydas Vaishya but he did not mention Jayantibhai Subodh at all while Narayanbhai in his evidence connects each of the witnesses with Jayantibhai Subodh. For all these reasons, we are not impressed by the evidence of Mithabhai although the learned trial Judge has not discussed his evidence in any detail.

In regard to all these witnesses no attempt was made to get their testimony corroborated by others to prove the fact that there was a free distribution of the issue of the newspaper 'Tamanna'. The testimony of these witnesses taken singly as regards distribution of the Tamanna at different places does not inspire confidence and in the absence of corroboration it is not safe to rely on the same. It must be borne in mind that in a case like this where there can be no doubt or dispute about the defamatory character of a particular document, it would be easy enough to lead evidence to the effect that the document complained of had been distributed to various persons. When the place of distribution and the occasion for distribution is a meeting, one would naturally expect some corroboration of the distribution by more than one witness, unless, of course, as we have already said, the witness is of such a character that no corroboration of his testimony was called for.

Although four witnesses have been examined to establish the case of distribution of the matter complained of at four different places, we cannot take the view that the evidence is sufficient to lay the commission of corrupt practice fairly and squarely at the door of the first respondent. In his written statement the first respondent disclaimed having anything to do with the publication of the newspaper or of any distribution of the paper by him or by his agents with his consent. In these circumstances, it was certainly necessary for the petitioner to have come forward with better evidence than he has done in this case. It cannot be said that he was feeling any of calling a number of witnesses as he has examined no less than 19 witnesses but no two witnesses speak on the same subject.

Mr. Chari for the respondent also contended that there was enough material on the record to show that the printing of the 'Tamanna' dated 10th February, 1967 was with the consent of the appellant and according to Jayantibhai Subodh the paper had a wide circulation. The very fact that the printing was with the consent of the appellant, if established would go to prove his case of commission of corrupt practice. The circumstances from which Mr. Chari wanted us to come to this conclusion were as follows:—

1. The first respondent was on the Advisory Board of the 'Tamanna'.
2. Jayantibhai Subodh was not merely supporting the Congress Party in general but he was supporting the appellant in particular as he admitted in his evidence.
3. The issue of the 'Tamanna' dated 10th February, 1967 contained an article directly dealing with the election and the editorial policy of the paper must be laid at the door of the Advisory Board consisting of the first respondent and other persons.
4. Jayantibhai Subodh accompanied the appellant in his election campaign, if not to different places he had accompanied certain persons who had gone for the election campaign in favour of the first respondent.
5. Jayantibhai was a counting agent of the first respondent.

This argument appears to have been made before the learned trial Judge. His view however was that it was possible for Jayantibhai Subodh himself on his own responsibility and in his enthusiasm to support the cause of the Congress Party and publish the impugned passages in the issue of the 'Tamanna' dated 10th February, 1967 and not as the agent of the first respondent. In our opinion, the learned Judge was justified in coming to that conclusion. Although the first respondent stated in his evidence that he did not know that his name had been included in the Advisory Board of the paper, we can take it that his name was there but there is nothing in the record to show that he had ever taken any part in laying down the editorial policy of this paper. Ex. 'L' to which we have already referred, was a document of 1963, nearly four years before the date of election, and even if the first respondent had been on the Advisory Board in 1963, there is nothing to show that he was taking any active interest in the policy of that paper at or about the time of

the election or at any time in between 1963 and the date of the election. The first respondent admitted having taken the help of Jayantibhai Subodh when he visited Dehgam but apart from this, there is no evidence which would justify us in holding that Jayantibhai Subodh was accompanying the first respondent in his election campaign to different places. Jayantibhai has stated clearly that besides going to Dehgam with the first respondent he had not taken part in his election campaign at all and as we have already stated, this statement of Jayantibhai Subodh could have been falsified by calling other witnesses. Although Jayantibhai Subodh was a counting agent of the first respondent and although he admitted having leaning towards the first respondent in the election, the evidence brought before the court does not lead to the conclusion that the publishing of the defamatory matter in the 'Tamanna' issue dated 10th February 1967 by him was with the consent of the appellant or even to his knowledge.

Although the learned Judge has gone into the question as to whether the first respondent has been guilty of taking assistance from a government servant, namely, Jethabhai B. Yadav, in his election campaign at some length he did not accept the evidence and Mr. Chari did not press this point before us. In the result, we must hold that the learned trial Judge was not right in coming to the conclusion that the first respondent had been guilty of the commission of the corrupt practice as raised in issue No. 6 of the issues settled on 29th August 1967, namely, that the first respondent and his agents had with the consent of the first respondent published false statements believing them to be false or not believing them to be true in relation to the personal character, conduct and candidature of the petitioner.

In the result, the appeal must be accepted and it is accordingly allowed with costs.

M. Hidayatullah, C.J.I.

G. K. MITTER, J.

NEW DELHI,

Dated : August 8, 196

[No. 82/23/67(GJ).]

S.O. 3813.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951) and in supersession of its notification No. 434/MD/65 dated the 2nd July, 1966, as amended from time to time, the Election Commission hereby appoints, in respect of each of the parliamentary constituencies in the State of Madras and specified in column 1 of the Table below:—

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer, and
- (b) the officers specified in the corresponding entry in column 3 of the said Table to be the Assistant Returning Officers:

TABLE

S.No. and Name of the constituency	Returning Officer	Assistant Returning Officer
1	2	3
1 MADRAS NORTH . . .	Commissioner Corporation of Madras.	Revenue Officer, Corporation of Madras, Madras.
2 MADRAS SOUTH . . .	Commissioner, Corporation of Madras.	Revenue Officer Corporation, of Madras, Madras.
3 SRIPERUMBUDUR . . .	Collector of Chingleput.	1. Revenue Divisional Officer Saidapet. 2. Revenue Divisional Officer, Kancheepuram.
4 CHINGLEPUT . . .	District Revenue Officer, Chingleput.	1. Revenue Divisional Officer, Chingleput. 2. Revenue Divisional Officer, Kancheepuram.

1	2	3
5 TIRUTTANI	District Revenue Officer, Chingleput.	1. Revenue Divisional Office Tiruvallur. 2. Revenue Divisional Officer, Ranipet.
6 VELLORE (SC)	Collector of North Arcot, Vellore.	1. Revenue Divisional Officer, Tirupattur. 2. Revenue Divisional Officer, Ranipet.
7 TIRUPATTUR	District Revenue Officer, North Arcot, Vellore.	1. Revenue Divisional Officer, Tirupattur. 2. Revenue Divisional Officer, Tiruvannamalai.
8 WANDIWASH	District Revenue Officer, North Arcot, Vellore.	1. Revenue Divisional Officer, Ranipet. 2. Revenue Divisional Officer, Cheyyar. 3. Revenue Divisional Officer, Tiruvannamalai.
9 TINDIVANAM	Collector of South Arcot, Cuddalore.	1. Revenue Divisional Officer, Tiruvannamalai. 2. Revenue Divisional Officer, Tindivanam. 3. Revenue Divisional Officer, Tirukkkoilur.
10 CUDDALORE	Collector of South Arcot, Cuddalore.	1. Revenue Divisional Officer, Tirukkkoilur. 2. Revenue Divisional Officer, Chidambaram.
11 CHIDAMBARAM (SC)	District Revenue Officer, South Arcot, Cuddalore.	1. Revenue Divisional Officer, Chidambaram. 2. Revenue Divisional Officer, Vridhachalam.
12 KALLAKURICHI	District Revenue Officer, South Arcot, Cuddalore.	1. Revenue Divisional Officer, Tirukkkoilur. 2. Revenue Divisional Officer, Vridhachalam. 3. Revenue Divisional Officer, Salem.
13 KRISHNAGIRI	Collector of Dharmapuri	1. Revenue Divisional Officer, Hosur. 2. Revenue Divisional Officer, Dharmapuri.
14 SALEM	Collector of Salem.	1. Revenue Divisional Officer, Dharmapuri. 2. Commissioner, Salem Municipality. 3. Revenue Divisional Officer, Salem.
15 METTUR	District Revenue Officer, Salem.	1. Revenue Divisional Officer, Dharmapuri. 2. Revenue Divisional Officer, Mettur. 3. Revenue Divisional Officer, Sankari.

	1	2	3
16 TIRUCHENGODE	District Revenue Officer, Salem.	1. Revenue Divisional Officer, Salem 2. Revenue Divisional Officer, Sankarl. 3. Revenue Divisional Officer, Namakkal.	
17 NILGIRIS	Collector of the Nilgiris.	1. Personal Assistant (General) to the Collector of the Nilgiris. 2. Revenue, Divisional Officer, Coimbatore.	
18 COIMBATORE	Collector of Coimbatore.	1. Revenue Divisional Officer, Coimbatore. 2. Commissioner, Coimbatore Municipality. 3. Revenue Divisional Officer, Pollachi.	
19 POLLACHI	Collector of Coimbatore.	1. Revenue Divisional Officer, Pollachi. 2. Revenue Divisional Officer, Erode.	
20 DHARAPURAM (SC) . .	District Revenue Officer, Coimbatore.	1. Revenue Divisional Officer, Pollachi. 2. Revenue Divisional Officer, Erode. 3. Revenue Divisional Officer, Dindigul.	
21 GOBICHETTIPALAYAM	District Revenue Officer, Coimbatore.	1. Revenue Divisional Officer, Erode. 2. Revenue Divisional Officer, Gobichettipalayam.	
22 PERIAKULAM	District Revenue Officer, Madurai.	1. Revenue Divisional Officer, Periakulam. 2. Revenue Divisional Officer, Usilampatti.	
23 DINDIGUL	District Revenue Officer, Madurai.	1. Revenue Divisional Officer, Usilampatti. 2. Revenue Divisional Officer, Dindigul.	
24 MADURAI	Collector of Madurai	1. Revenue Divisional Officer, Madurai. 2. Commissioner, Madurai Municipality.	
25 KARUR	District Revenue Officer, Tiruchirappalli.	1. Revenue Divisional Officer, Dindigul. 2. Revenue Divisional Officer, Karur.	
26 TIRUCHIRAPPALLI . .	Collector of Tiruchirappalli.	1. Revenue Divisional Officer, Musiri. 2. Revenue Divisional Officer, Tiruchirappalli. 3. Commissioner, Tiruchirappalli Municipality.	
27 PERAMBALUR	District Revenue Officer, Tiruchirappalli.	1. Revenue Divisional Officer, Musiri. 2. Revenue Divisional Officer, Arivalur.	

1	2	3
28 PUDUKKOTTAI . . .	Collector of Tiruchirappalli	1. Revenue Divisional Officer, Karur. 2. Revenue Divisional Officer, Pudukkottai. 3. Revenue Divisional Officer, Devakottai.
29 KUMBAKONAM . . .	Collector of Thanjavur.	1. Revenue Divisional Officer, Ariyalur. 2. Revenue Divisional Officer, Thanjavur. 3. Revenue Divisional Officer, Kumbakonam.
30 MAYURAM (SC) . . .	District Revenue Officer, Thanjavur.	1. Revenue Divisional Officer, Mayuram. 2. Revenue Divisional Officer, Nagapattinam.
31 NAGAPATTINAM . . .	District Revenue Officer, Thanjavur.	1. Revenue Divisional Officer, Nagapattinam. 2. Revenue Divisional Officer, Mannargudi.
32 THANJAVUR . . .	Collector of Thanjavur.	1. Revenue Divisional Officer, Thanjavur. 2. Revenue Divisional Officer, Pattukkottai.
33 SIVAGANGA . . .	District Revenue Officer, Ramanathapuram @ Madurai.	1. Revenue Divisional Officer, Devakottai. 2. Revenue Divisional Officer, Sivaganga.
34 RAMANATHAPURAM	District Revenue Officer, Ramanathapuram @ Madurai.	1. Revenue Divisional Officer, Ramanathapuram. 2. Revenue Divisional Officer, Sivakasi. 3. Revenue Divisional Officer, Koilpatti.
35 SIVAKASI . . .	Collector of Ramanathapuram @ Madurai.	1. Revenue Divisional Officer, Sivakasi. 2. Revenue Divisional Officer, Koilpatti.
36 TIRUNELVELI . . .	Collector of Tirunelveli.	1. Revenue Divisional Officer, Koilpatti. 2. Revenue Divisional Officer, Tirunelveli. 2. Revenue Divisional Officer, Tuticorin.
37 TENKASI (SC) . . .	District Revenue Officer, Tirunelveli.	1. Revenue Divisional Officer, Koilpatti. 2. Revenue Divisional Officer, Tirunelveli. 3. Revenue Divisional Officer, Cheranmahadevi.
38 TIRUCHENDUR . . .	District Revenue Officer, Tirunelveli.	1. Revenue Divisional Officer, Cheranmahadevi. 2. Revenue Divisional Officer, Tuticorin. 3. Revenue Divisional Officer, Padmanabhapuram.

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39 NAGERCOIL

Collector of Kanyakumari.

Revenue Divisional Officer,
Padmanabhapuram.

[No. 434/MD/68.]

ORDERS

New Delhi, the 14th October 1968

S.O. 3814.—Whereas the Election Commission is satisfied that Shri Mangilal Moolchand, Kadraabad, Jalna (Maharashtra), a contesting candidate for election to the House of the People from Jalna Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notices has not given any good reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mangilal Moolchand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. MT-HP/30/67.]

S.O. 3815.—Whereas the Election Commission is satisfied that Shri Sonawale Vithal Ramchandra, A/P Malthan, Tal. Phaltan, District Satara (Maharashtra), a contesting candidate for election to the House of the People from Baramati Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notices has not given any good reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sonawale Vithal Ramchandra to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. MT-HP/40/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

New Delhi, the 17th October 1968

S.O. 3816.—In pursuance of clause (b) of sub-section (2) of section 116-C of the Representation of the People Act, 1951, the Election Commission hereby publishes the decision of the Supreme Court, pronounced on the 12th August, 1968, on an appeal from the order dated the 10th January, 1968 of the Judicial Commissioner's Court for Manipur at Imphal, in election petition No. 2 of 1967.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 683 of 1968

Paokai Haokip

Rishang and others

Appellant.

Respondents.

JUDGMENT

Hidayatullah, C.J.—This is an appeal from the Court of Judicial Commissioner for Manipur at Imphal under s. 116A of the Representation of People Act. The appeal

arises from an election to the Outer Manipur Parliamentary Constituency at which the appellant, who was the returned candidate, and five others were the contesting candidates. This Outer Manipur Constituency comprised 14 Assembly constituencies. The dates of poll were 15th, 20th, 24th, 28th February, 1967 and 6th March, 1967 and the time of poll was from 7.30 A.M. to 4.30 P.M. This constituency had 2,19,554 registered voters. The total number of votes polled was 1,20,008. Of these 4,166 votes were declared invalid. The returned candidate received 30,403 votes as against the next candidate who received 28,862 votes. There was thus a majority of 1541 votes in favour of the returned candidate. The result of the poll was declared on March 10, 1967.

The candidate who secured the second largest number of votes filed this election petition on April, 20, 1967. The main ground of attack which succeeded in the Judicial Commissioner's court, was that polling was disturbed because of numerous circumstances. These were that the polling centre were in some cases changed from the original buildings to other buildings of which due notification was not issued earlier with the result that many of the voters who went to vote at the old polling booths found no arrangement for poll and rather than go to the new polling station, went away without casting their votes. The second ground was that owing to firing by the Naga Hostiles, the voting at some of the polling stations were disturbed and almost no votes were cast. It was lastly contended that the polling hours at some stations were reduced with the result that some of the voters who went to the polling stations were unable to cast their votes.

It is hardly necessary to set down here the names of the polling stations at which these things happened. In any event, these polling stations carry rather strange names and it would not help to state them here. The net result may be stated. It was this there were 12 polling centres, at 4 of which the venue for the poll was altered. There were 6 others at which the firing disturbed the poll and in 2 of the polling centres not a single vote was cast and lastly in one of the polling centres out of 513 voters, only one voted.

The following chart discloses the break-up of the figures at these polling centres:

S. No.	Name of the polling stations (as notified)	No. of voters attached to the station	No. of votes actually cast
1.	Tungam Khullen High School . . .	1242	522
2.	Chandel Junior Basic School . . .	1060	172
3.	Puram Pantha L. P. School . . .	654	336
4.	Litan L. P. School . . .	449	347
5.	Toupokp M. E. School . . .	584	128
6.	Chakpihxong H. E. School . . .	715	67
7.	Bolyang Tampak L. P. School . . .	858	249
8.	Oklu L. P. School . . .	725	17
9.	Larong Khullen J. B. School . . .	561	53
10.	Lakhamai M. E. School . . .	565	—
11.	Nagari Khullen N. E. School . . .	564	—
12.	Karong Dak Bangalow . . .	513	1
TOTAL		8620	1894

It will be noticed from this chart that out of 8620 votes which would have been polled, only 1894 votes were actually received in other words, 6726 voters did not vote or could not vote. The election petitioner who ran a deficit of 1541 votes claimed in the election petition that the result of the poll was prejudicial to him in particular and that by the non-compliance with the provisions of the Act and its rules, that result of the election in so far as the returned candidate was concerned had been materially affected. The Judicial Commissioner after examining a large number of witnesses on both sides, came to the conclusion that there was this flaw in the election for this constituency. He went further and held that the result of the election in so far as it concerned the returned candidate

had been materially affected. He, therefore, avoided the election and ordered fresh poll in the 12 polling stations.

In this appeal, the returned candidate attempted to establish that polling was not so disorganised that it can be said that it did not take place. He attempted to show that even where the polling station was shifted, it was a matter of few hundred yards and the people who went to vote knew the new location of the polling booths. He also submitted that, in any event, this had affected all the contesting candidates equally and the election petitioner could not, therefore, be said to have suffered more than the other candidates. Lastly, the returned candidate contended that it had not been established in accordance with the ruling of this Court in *Vashist Narain Sharma v. Dev Chandra and others*⁽¹⁾ that the result of the election had been materially affected in so far as his election was concerned. In this connection, the returned candidate relies upon the majority which he had already obtained and refers to the votes has not been cast, pointing out that on the general pattern of the voting as disclosed in the case it cannot possibly be said that the election petitioner would have carried such a majority from those votes as to neutralise the successful lead he had already established. The election petitioner as the answering respondent tried to show that the pattern of the voting clearly showed that the returned candidate had obtained a fortuitous lead which was capable of being wiped off if the voting had proceeded according to the Act and the Rules. Both sides relied upon statistics to establish their cases. The election petitioner in addition relied upon the evidence of witnesses which he point out had been accepted by the Judicial Commissioner and relying upon the observations of this Court contended that we should not lightly depart from the findings given by the learned Judicial Commissioner.

This case, without entering into the numerous detail is confined to the above contentions of the rival parties. To begin with, it is hardly necessary for us to go over the evidence with a view to ascertaining whether there had been or not a breach of the Act and the rules in the conduct of the election at this constituency. We may say at once that having read the evidence we are in entire agreement with the decision of the learned Judicial Commissioner that by the change of venue and owing to the firing, a number of voters probably failed to record their votes which they would have done if polling had gone on smoothly and according to rules. This shows that the matter is governed by s. 100(1)(d)(iv). The question still remains whether the condition precedent to the avoidance of the election of the returned candidate which requires proof from the election petitioner that the result of the election had been materially affected in so far as the returned candidate was concerned, has been established in the Present case. This part of the case depend upon the ruling of this Court in *Vashist Narain Sharma's* case. In that case there was a difference of 111 votes between the returned candidate and the candidate who had obtained the next higher number of votes. One candidate, by name Dudh Nath Singh was found not competent to stand and the question arose whether the votes wasted on Dudh Nath Singh, if they had been polled in favour of the remaining candidates, would have materially affected the fate of the election. Certain principles were stated as to how the probable effect upon the election of the successful candidates of votes which are either wasted (in this case not cast) must be worked out. Two witnesses were brought to depose that if Dudh Nath Singh had not been a candidate for whom no voting had to be done, the voters would have voted for the next successful candidate. Ghulam Hasan J. did not accept this kind of evidence. It is observed as follows:

"It is impossible to accept the *ipse dixit* of witnesses coming from one side or the other to say that all or some of the votes would have gone to one or the other on some supposed or imaginary ground. The question is one of fact and has to be proved by positive evidence. If the petitioner is unable to adduce evidence in a case such inescapable conclusion to which the Tribunal can come is that burden is not discharged and that the election must stand."

In another passage, it is observed:

"It will not do merely to say that all or a majority of the wasted votes might have gone to the next highest candidate. The casting of votes at an election depends upon a variety of factors and it is not possible for any one to predicate how many or which proportion of the votes will go to one or the other of the candidates. While it must be recognised that the petitioner in such a case is confronted with a difficult situation, it is not possible to relieve him of the duty imposed upon him by s.100(1)(c) and hold without evidence that the duty has been discharged."

Further it is pointed out that the burden of proof in England was the exact reverse of that laid down by the Indian Statutes. There, the returned candidate has to prove that the non-compliance or mistake did not affect the result of the election. In our country,

(1) 1955 (1) SCR 509.

the burden is upon the election petitioner to show affirmatively that the result of the election has been materially affected.

Therefore, what we have to see is whether this burden has been successfully discharged by the election petitioner by demonstrating to the court either positively or even reasonably that the poll would have gone against the returned candidate if the breach of the rules had not occurred and proper poll had taken place at all the polling stations including those at which it did not.

The evidence in this case which has been brought by the election petitioner is that kind of evidence which was criticised by this Court. Witnesses have been brought forward to state that a number of voters did not vote because of the change of venue or because of firing and that they had decided to vote *en bloc* for the election petitioner. This kind of evidence is merely an assertion on the part of a witness, who cannot speak for 500 voters for the simple reason that as this Court said the casting of votes at an election depends upon a variety of factors and it is not possible for anyone to predicate how many or which proportion of votes will go to one or the other of the candidates. We cannot therefore accept the statement even of a Headman that the whole village would have voted in favour of one candidate to the exclusion of the others. This conclusion is further fortified if one examines the polling pattern in this election. To begin with, it is wrong for the election petitioner to contend that of the 6726 votes which were not cast, he would have received all of them. The general pattern of polling not only in this constituency but in the whole of India is that all the voters do not always go to the polls. In fact, in this case, out of 2,19,554 voters, only 1,20,006 cast their votes. Even if we were to add to them the 6726 votes, it is obvious that not more than 55 per cent. of the voters would have gone to polls. This immediately cuts down the figures of 6726 to a little over half one the margin from which the election petitioner could claim additional votes therefore becomes exceedingly small. When we turn to the pattern of voting as is disclosed in the various polling booths at which the voters had in fact gone, we got a reasonably clear picture. At 9 polling centres, 1893 votes are actually polled. Of these, 524 votes were received by the election petitioner and 413 by the returned candidate and 1097 votes went to the other candidates.

In other words, out of 20 votes, 11 went to other candidates, 5 to the election petitioner and 4 to the returned candidate. If one goes by the law of averages and applies these figures reasonably to half of the votes which were not cast, it is demonstrated at once that the election petitioner could not expect to wipe off the large arrears under which he laboured and that he could not have therefore made a successful bid for the seat even with the assistance of the voters who did not cast their votes. It is pointed out that at Tungam Khullen High School, he received 401 out of 522 votes. If this had been the general Pattern, one could say that he would have got almost all the votes that has not been cast. But look at the other polling stations. At Litan L.P. School, he obtained 41 out of 347, at Chandel Junior Basic School he got 34 out of 172, at Purum Pantha L.P. School he got 11 out of 336, at Toupokpi M.E. School 18 out of 128, at Oklu L.P. School 8 out of 17, at Chakpi Karong M.E. School 3 out of 67, at Larong Khullen L.P. School 1 out of 53 and at Bolyang Tampak L.P. School 8 out of 849. While we do not think that statistic can be called in aid to prove such facts, because it is notorious that statistics can prove anything and made to be for either case, it is open to us in reaching out conclusion to pay attention to the demonstrated pattern of voting. Having done so, we are quite satisfied that 1541 votes could not, by any reasonable guess, have been taken off from the lead of the returned candidate so as to make the election petitioner successful. In so far as the other contesting candidates are concerned, they had received so few votes that even if they had received all the votes that had not been cast, it would not have mattered a little to the result of the election. The learned Judicial Commissioner reached his conclusion by committing the same error which was criticised in *Vashist Narain Sharma's* case. We took the statement of the witnesses at their word and held on the basis of those statements that all the votes that had not been would have gone to the election petitioner. For this, there is no foundation in fact; it is surprise and it is anybody's guess as to how those people, who did not vote, would have actually voted.

In our opinion, the decision of the learned judicial Commissioner that the election was in contravention of the Act and the Rules was correct in the circumstances of this case; but that does not alter the position with regard to s. 100(1)(d) (iv) of the Act. That section requires that the election petitioner must go a little further and prove that the result of the election had been materially affected. Now he has to prove it has already been stated by this Court and applying that test, we find that he has significantly failed in his attempt and therefore the election of the returned candidate could not be avoided. It is no doubt true that the burden which is placed by law is very strict; even it is strict it is for the courts to apply it. It is for the Legislature to consider whether it should be altered. If there is another way of determining the burden, the law should say it and not the courts. It is only in given instances that, taking the law as it is, the courts can reach the conclusion whether the burden of proof has been successfully discharged by the election petitioner

or not. We are satisfied that in this case this burden has not been discharged. The result is that the appeal must succeed and it is allowed. The election of the returned candidate will stand. The costs in the Judicial Commissioner's Court will be as ordered. The election petitioner who apparently was not so much at fault as the Government in changing the polling stations, shall bear only half the costs of the appellant in this Court.

NEW DELHI:

August 12, 1968.

Sd/- C.J.
K. MITTER, J.

[No. 82/MR/2/67.]

ORDER

New Delhi, the 27th September 1968

S.O. 3817.—Whereas the Election Commission is satisfied that Shri Ram Dutt, Editor, *Pranveer Weekly*, Village and Post Office Bairath, District Jaipur, a contesting candidate for election to the House of the People from Dausa constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder:

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure:

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Dutt to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/6/67(7).]

By Order,
A. N. SEN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 15th October 1968

S.O. 3818.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Released Emergency Commissioned Officers and Short Service Commissioned Officers (Reservation of Vacancies) Rules, 1967, namely:—

1. These rules may be called the Released Emergency Commissioned Officers and Short Service Commissioned Officers (Reservation of Vacancies) Amendment Rules, 1968.

2. In rule 5 of the Released Emergency Commissioned Officers and Short Service Commissioned Officers (Reservation of Vacancies) Rules, 1967,—

(i) in sub-clause (i) of clause (a) of sub-rule (2), on and from the 17th June, 1967, the following proviso shall be deemed to have been inserted, namely:—

“Provided that an Emergency Commissioned Officer or a Short Service Commissioned Officer who, at the time aforesaid, did not possess the educational qualifications prescribed for direct recruitment to the Central Services and posts, Class I and Class II, recruitment to which is made on the basis of the results of the combined competitive examination for recruitment to the Indian Administrative Service or Indian Police Service or other Central Services or posts, Class I and Class III held by the Commission but who has obtained such qualifications subsequently, shall be eligible to compete for the reserved vacancies in those Services or posts.”;

(ii) on and from the 11th May, 1968,—

(a) after the first proviso to sub-clause (i) of clause (a) of sub-rule (2), the following proviso shall be deemed to have been inserted, namely:—

“Provided further that an Emergency Commissioned Officer or a Short Service Commissioned Officer who, when he appeared before a Services Selection

Board as a candidate for the grant of Emergency Commission or Short Service Commission in the Armed Forces, was studying in a recognised institution, that is to say, a university, or an institution affiliated to a university, for the award of the educational qualification prescribed for direct recruitment to the Central Services and posts, Class I and Class II, recruitment to which is made on the basis of the results of the combined competitive examination for recruitment to the Indian Administrative Service or Indian Police Service or other Central Services or posts Class I and Class II held by the Commission but who, having discontinued his studies because of joining the Armed Forces, did not acquire such qualification, shall be eligible to compete for the reserved vacancies in those Services or posts."

- (b) for the proviso under sub-clause (ii) of clause (a) of sub-rule (2), the following proviso shall be deemed to have been inserted, namely:—

"Provided that an Emergency Commissioned Officer or a Short Service Commissioned Officer competing under the second proviso to sub-clause (i) for the Services or posts specified therein should not have attained on the crucial date aforesaid, such upper age as may be prescribed by the Central Government."

[No. 31/1/67-Erts.(B).]

SHANKAR KAPOOR, Under Secy.

New Delhi, the 17th October 1968

S.O. 3819.—In exercise of the powers conferred by section 41 of the Arms Act, 1959 (54 of 1959), the Central Government hereby exempts the following officials of the Ceylon High Commission, New Delhi from the operation of so much of the provision of section 10 of the said Act, as is relatable to the bringing into India of the arms mentioned against their names, subject to the condition that the aforesaid arms shall not be transferred to any person in India for consideration or otherwise.

(1) Shri V. L. B. Mendis, Deputy High Commissioner—one 12 bore DBBL shotgun, Model ASTOR.

(2) Shri T. A. Kreltshheim, Second Secretary—one 12 bore DBBL shotgun Model ASTOR.

2. The exemption shall remain valid for a period of one month from the date of issue of this notification.

[No. F. 17/14/68-P.IV.]

D. D. JOSHI, Dy. Secy.

New Delhi, the 18th October 1968

S.O. 3820.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the powers of the Central Government under the Delhi Municipal Corporation Service (Control and Appeal) Regulations, 1959 shall, subject to the control of the President and until further orders, be exercised by the Administrator of the Union territory of Delhi.

[No. F. 3/4/68-Delhi.]

By order and in the name of the President of India.

A. D. PANDE, Joint Secy.

गृह मंत्रालय

नई दिल्ली, 18 अक्टूबर 1968

एस० नो० 3821.—पंविधान के अनुच्छेद 239 के खण्ड (1) के अनुसरण में राष्ट्रपति एतद्वारा निदेश देते हैं कि दिल्ली नगर निगम सेवा (नियंत्रण और अपील)

विनियम, 1959 के अधीन केन्द्रीय सरकार की शक्तियाँ, राष्ट्रपति के नियंत्रण के अधीन और जब तक अतिरिक्त आदेश न हो, दिल्ली के सघराज्य क्षेत्र के प्रशासक द्वारा प्रयुक्त की जाएगी।

[सं० फा० 3/4/68—दिल्ली]

भारत के राष्ट्रपति के आदेश से और नाम में,

अ० द० पांडे,

संयुक्त सचिव, भारत सरकार।

New Delhi, the 18th October 1968

S.O. 3822.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) SIXTH Amendment Rules, 1968.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, after clause (am), the following clause shall be inserted, namely:—

“(an) in the case of orders and other instruments relating to the Ministry of Home Affairs by the Chief Welfare Officer, a Director, a Deputy Director, or a Deputy Financial Adviser in that Ministry.”

[No 3/13/68-Pub. I.]

K. R. PRABHU, Joint Secy.

New Delhi, the 25th October 1968

S.O. 3823.—In exercise of the powers conferred by section 41 of the Arms Act, 1959 (54 of 1959), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R 991 dated the 13th July, 1962, namely:—

In Schedule II to the said notification, in the entry in column 3 against Entry 12, the words and figure “except where section 4 applies” shall be omitted.

[No. F.11/23/68 P.IV.]

P. B. RAJAGOPALAN, Under Secy.

गृह मंत्रालय

नई दिल्ली, 25 अक्टूबर, 1968

एस० प्रो० 3824.—आयुध अधिनियम, 1959 (1959 का 54) की धारा 41 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत सरकार के गृह-मंत्रालय की अधिसूचना सं० सा० का० नि० 991 तारीख 13 जुलाई, 1962 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात्—

‘उक्त अधिसूचना की अनुसूची II में, प्रविष्टि 2 के सामने स्तम्भ 3 में की प्रविष्टि में से “सिवाय वहा के जहा कि धारा 4 लागू होती है” शब्द और अरु हटा कर दिए जायेंगे।

[सं० 11/23/68—पुलिस-4.]

पि० ब० राजगोपालन,

अवर सचिव, भारत सरकार।

ORDER

New Delhi, the 18th October 1968

S.O. 3825.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), and of all other powers enabling it in this behalf, the Central Government, with the consent of the Government of the State of Nagaland, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to Kohima and Mokokchung Districts of the State of Nagaland for the investigation of offences punishable under the Foreign Exchange Regulation Act, 1947 (7 of 1947).

[No. 228/5/67-AVD. II.]

R. C. JOSHI, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 11th October 1968

S.O. 3826.—In exercise of the powers conferred by Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with proviso below sub-rule 2 of rule 4 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri M. V. Desai, an Officer of the CIS Cadre, currently Adviser, Plan Information and Publicity, Planning Commission, to act as Chairman, Central Board of Film Censors, Bombay with immediate effect for a period upto six months *vice* Shri R. P. Naik, proceeded on Fellowship of the Centre for International Affairs Harvard University, Massachusetts.

[No. F. 2/61/68-F(C).]

H. C. KHANNA, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली. 19 अक्टूबर, 1968

एस० नो० 3827.—चलचित्र (सेंसर) नियमावली, 1958 के नियम 4 के उप-नियम 2 के नीचे के उपबन्ध के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37वां) की धारा 3 के द्वारा दिये गये अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने एतद्वारा केन्द्रीय सूचना सेवा संवर्ग के अधिकारी श्री एम० बी० देसाई को, जो इस समय योजना आयोग में योजना, सूचना और प्रचार सलाहकार हैं, इस अधिसूचना की तिथि से 6 महीने तक के लिए केन्द्रीय फिल्म सेंसर बोर्ड, बम्बई का अध्यक्ष नियुक्त किया है। यह नियुक्ति श्री आर० पी० नायक, जो सेंसर फार इस्टर नेशनल प्रफेसर्स हरवर्ड यूनिवर्सिटी, मसाचुसेट्स की शिक्षावृत्ति पर गये हैं, के स्थान पर की गई है।

[फाइल संख्या 2/61/68—एफ० सी०.]

ह० च० खन्ना,

उप सचिव, भारत सरकार।

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 17th October 1968

S.O. 3828.—Whereas Captain D. A. Samant, Area Manager, Indian Airlines, Bombay, who was appointed as an assessor to assist the Court of Inquiry set up *vide* Notification No. 7-A/29-68 dated the 26th June, 1968, in holding a formal investigation into an accident which occurred to a Boeing 707 aircraft of Pan American World Airways at

Dum Dum (Calcutta Airport) on the 13th June, 1968, is unable to participate any further in the said investigation;

Now, therefore, in exercise of the powers conferred by rule 75 of the Aircraft Rules, 1937, the Central Government hereby appoints Captain J. J. Ezekiel, Indian Airlines, Bombay, as an assessor to the said investigation, in the place of Captain D. A. Samant.

[No. F. 7-A/29-68.]

S. N. KAUL, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 24th October 1968

S.O. 3829.—Statement of the Affairs of the Reserve Bank of India, as on the 18th October 1968

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital paid-up	5,00,00,000	Notes	17,39,83,000
Reserve Fund	80,00,00,000	Rupee Coin	5,38,000
National Agricultural Credit (Long-Term Operations) Fund	143,00,00,000	Small Coin	3,84,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Bills Purchased and Discounted :—	..
		(a) Internal
		(b) External
National Industrial Credit (Long-Term Operations) Fund	55,00,00,000	(c) Government Treasury Bills	197,79,74,000
		Balances held Abroad*	107,10,83,000
		Investments**	175,67,74,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Central Government
(i) Central Government	51,14,84,000	(ii) State Governments@	89,88,66,000

(*) State Governments	5,43,55,000	Loans and Advances to :—	
(b) Banks		(i) Scheduled Commercial Banks†	20,03,29,000
(i) Scheduled Commercial Banks	144,33,64,000	(ii) State Co-operative Banks††	205,93,82,000
(ii) Scheduled State Co-operative Banks	5,89,30,000	(iii) Others	3,40,28,000
(iii) Non-Scheduled State Co-operative Banks	58,07,000	Loans, Advances and Investments from National Agricultural Credit (Long-Term Operations) Fund	
(iv) Other Banks	15,62,000	(a) Loans and Advances to :—	
(c) Others	330,93,05,000	(i) State Governments	31,61,64,000
Bills Payable	24,60,72,000	(ii) State Co-operative Banks	15,02,53,000
Other Liabilities	39,49,05,000	(iii) Central Land Mortgage Banks
		(b) Investment in Central Land Mortgage Bank Debentures	8,53,61,000
		Loans & Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	5,33,24,000
		Loans Advances and Investments from National Industrial Credit (Long-Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	6,18,23,000
		(b) Investment in bonds/debentures issued by the Development Bank
		Other Assets	34,55,18,000
Rupees	918,57,84,000	Rupees	918,57,84,000

*Includes Cash, Fixed Deposits and Short-term Securities.

** Excluding Investments from the National Agricultural Credit (Long-Term Operations) Fund and the National Industrial Credit (Long-Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long-Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 10,71,88,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long-Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 23rd day of October, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 18th day of October 1968
ISSUE DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Notes held in the Banking Department .	17,39,83,000	Gold Coin and Bullion :—	
		(a) Held in India	115,89,25,000
		(b) Held outside India	
		Foreign Securities	226,42,00,000
Notes in circulation	3219,97,33,000		
		TOTAL	342,31,25,000
		Rupees Coin	82,01,23,000
Total Notes issued	3237,37,16,000	Government of India Rupee Securities.	2813,04,68,000
		Internal Bills of Exchange and other Commercial Paper
Total Liabilities	3237,37,16,000	Total Assets	3237,37,16,000

Dated the 23rd day of October, 1968

L. K. JHA, Governor.

[No. F. 3(3)-BC/68.]

New Delhi, the 25th October 1968

S.O. 3830.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of section 9 of the said Act shall not apply to the Cochin Commercial Bank Ltd., Cochin, in respect of the property (measuring 1 acre, 20 cents and 796 Sq. links) held by it at Mattancherry Town, Cochin, Kerala State, till the 30th September 1969.

[No. F. 15(27)-BC/68.]

V. SWAMINATHAN, Under Secy.

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 26th October 1968

S.O. 3831.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Capital Issues (Control) Act, (29 of 1947) the Central Government hereby exempts the Industrial Credit & Investment Corporation of India Ltd., from the provisions of Sections 3 and 5 of the said Act, in respect of issue of debentures of the value not exceeding Rs. 3,00,00,000/- (Rupees three crores) to be made by the said Corporation to the Industrial Development Bank of India covering a loan of like amount to be granted by the said Bank to the said Corporation.

[No. R. 143-CCI/68.]

M. K. VENKATACHALAM,

Controller of Capital Issues.

(Department of Revenue and Insurance)

New Delhi, the 25th October 1968

S.O. 3832.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri R. K. Paul, who is a Gazetted Officer of the West Bengal Government to exercise the powers of a Tax Recovery Officer under the said Act in respect of the following areas in the State of West Bengal, namely :—

- (1) The whole of 24-Parganas Civil Districts excluding such areas as fall within the Calcutta Municipal Limits, and
- (2) Calcutta Municipal Wards No. 1 to 100.

[No. 107 (F. No. 16/84/68-ITA-III.)]

J. C. KALRA, Dy. Secy.

(Department of Revenue and Insurance)

CUSTOMS

New Delhi, the 26th October 1968

S.O. 3833.—In exercise of the powers conferred by clause (d) of section 7 read with sub-section (3) of section 160 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Central Board of Revenue No. 31-Customs dated the 2nd April, 1960, namely :—

In the Schedule to the said notification, the entry "Halar" in the first column and the corresponding entry "Pindhara" in the second column shall be omitted.

[No. 151/F. No. 14/6/68-LCII.]

New Delhi, the 2nd November 1968

S.O. 3834.—In exercise of the powers conferred by sub-section (2) of section 76 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 50-Customs, dated 1st February, 1963 namely:—

In the said notification,

(a) in paragraph (1) for sub-paragraph (ii), the following sub-paragraph shall be substituted, namely:—

“(ii) The exporter produces to the proper officer a certificate issued by the Customs authorities at the port of destination that the goods have been landed at that port or a certificate from the authorised dealer, as defined in clause (a) of section 2 of the Foreign Exchange Regulation Act, 1947 (7 of 1947) through whom the export documents have been negotiated, that the sale proceeds have been realised in foreign exchange or a certificate from the said authorised dealer indicating that the consignee has taken delivery of the goods in the country of destination and that the sale proceeds hereof will be realised in the prescribed manner.”

(b) After paragraph (3), the following proviso shall be added, namely:—

“Provided that nothing in this notification shall apply to goods on which the export duty leviable is more than the drawback of duty admissible and the drawback of duty is adjusted against the export duty leviable.”

[No. 153/F. No. 14/2/68 LC.II.]

STAMPS

New Delhi, the 2nd November 1968

S.O. 3835.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds to the value of fifty five lakhs of rupees to be issued by the Mysore State Financial Corporation are chargeable under the said Act.

[No. 18/68-Stamps. F. No. 1/48/68-Cus. VII.]

ORDERS

STAMPS

New Delhi, the 2nd November 1968

S.O. 3836.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the bonds to the face value of rupees fifty lakhs, to be issued by the Kerala Financial Corporation, are chargeable under the said Act.

[No. 17/68-Stamps F. No. 1/47/68-Cus. VII.]

S.O. 3837.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the document, “Agreement” to be signed between the State Bank of India, New Delhi and two Banks in France under the French Credit for 1967-68, is chargeable under the said Act.

[No. 19/Stamps-F. No. 1/32/68-Cus. VII.]

M. S. SUBRAMANYAM, Under Secy.

CENTRAL BOARD OF EXCISE AND CUSTOMS**CUSTOMS***New Delhi, the 2nd November 1968*

S.O. 3838.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Tinsukia, in the State of Assam, to be a warehousing station.

[No. 152/68-Customs—F. No. 3/45/68-Cus. VII.]

M. S. SUBRAMANYAM, Under Secy.

MINISTRY OF COMMERCE*New Delhi, the 28th October 1968*

S.O. 3839.—In pursuance of sub-rule (4) of rule 155 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that, in exercise of the powers conferred by clause (b) of sub-rule (1) of the said rule, the Central Government hereby removes the name of Shri S. K. Das of Bombay, from the Register of Trade Marks Agents.

[No. 6(1)Exp.Insp/TM/68.]

P. V. RAMASWAMY, Under Secy.

ORDER*New Delhi, the 28th October 1968*

S.O. 3840.—In exercise of the powers conferred by sub-clause (xi) of clause (a) of section 2 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby declares the following commodity to be an essential commodity for the purposes of the said Act, namely:—

“Dry cells and batteries for Transistor Radios.”

[No. 26(7)CS.II/68.]

B. K. VARMA, Under Secy.

वाणिज्य मंत्रालय**आदेश**

नई दिल्ली, 28 अक्टूबर 1968

एस० नो० 3841.—आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 2 के खण्ड (क) के उपखण्ड (II) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा निम्नलिखित वस्तु को उक्त अधिनियम के प्रयोजनों के लिए आवश्यक वस्तु घोषित करती है; अर्थात्—

“ट्रांजिस्टर रेडियो के लिए ड्राइसेल और बैटरियाँ”

[सं० 26(7) सि० प्र० II/68.]

बी० के० वर्मा, अवर सचिव ।

(Office of the Jt. Chief Controller of Imports & Exports, New Delhi.)

Bombay, the 30th July 1968

SUBJECT.—*Order for cancellation of Customs purposes copy of licence No. 0118043 dated 18th December, 1967 for Rs. 437/- issued in favour of M/s. Jaimal Singh Kohli, Bombay.*

S.O. 3842.—M/s. Jaimal Singh Kohli Bombay granted the import licence No. P/EI/0118043 dated 18th December, 1967 for Rs. 437/- for the imports of items shown on the reverse of this order for the licensing period A.M. 68 from G.C.A. They have applied for duplicate copy of Custom purposes of the abovementioned licence on the ground that the original customs and exchange purposes copy of the licence has been lost or misplaced. It is further stated that the original licence was not registered with any Customs House and not utilised.

2. In support of this contention, the applicant has filed an Affidavit on stamped papers duly attested before the City Magistrate. I am satisfied that the original licence No. 0118043 dated 18th December, 1967 has been lost or misplaced and direct that a duplicate Customs purpose copy of the licence should be issued to the applicant. The original licence No. 0118043 dated 18th December, 1967 is cancelled.

[No. 275(b)IV/J.200/AM.68/L3/ET3.]

SUBJECT.—*Order for cancellation of Customs Purposes copy of licence No. 0108922 dated 7th November, 1966 for Rs. 35000/-, issued in favour of M/s. Jagkumar & Co. Bombay.*

S.O. 3843.—M/s. Jagkumar and Co. Bombay was granted the import licence No. P/EI/0108922 dated 7th November, 1966 for Rs. 35000/- for the imports of items shown on the reverse of this order for the licensing period A.M. 67 from USA. They have applied for duplicate copy of Custom purposes of the abovementioned licence on the ground that the original customs and exchange purposes copy of the licence has been lost or misplaced. It is further stated that the original licence was partly utilised with the Custom House Bombay leaving a balance of Rs. 12464/-.

2. In support of this contention, the applicant has filed an Affidavit on stamped papers duly attested before the City Magistrate. I am satisfied that the original licence No. 0108922 dated 7th November, 1966 has been lost or misplaced and direct that a duplicate customs purpose copy of the licence should be issued to the applicant. The original licence No. 0108922 dated 7th November, 1966 is cancelled.

[No. 293-95-97/IV/3/MVP/L3-US Afd.]

SUBJECT.—*Order for cancellation of Exchange Control purposes copy of licence No. PEI/0117455 dated 9th November, 1967 for Rs. 23093/- issued in favour of M/s. Amzel Pvt. Ltd., Bombay.*

S.O. 3844.—M/s. Amzel Pvt. Ltd., Bombay was granted the import licence No. EI/0117455 dated 9th November, 1967 for Rs. 23093/- for the imports of items shown on the reverse of this order for the licensing period A.M. 68 from G.C.A. They have applied for duplicate copy of Exchange Control Purposes of the abovementioned licence on the ground that the original Customs and Exchange Purposes copy of the licence has been lost or misplaced. It is further stated that the original licence was registered with Bank of Baroda Ltd. Bombay and partly utilised for Rs. 5325/-.

In support of this contention, the applicant has filed an affidavit on stamped papers duly attested before the Magistrate. I am satisfied that the original licence No. EI/0117455, dated 9th November, 1967 has been lost or misplaced and direct that a duplicate exchange purposes copy of the licence should be issued to the applicant. The original licence No. EI/0117455 dated 9th November, 1967 is cancelled.

[No. 293-95-97.IV/758/MVP/AM.68/L3.]

I. R. KAKAR,

Dy. Chief Controller of Imports and Exports.
for Jt. Chief Controller of Imports & Exports.

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 13th September 1968

S.O. 3845.—A licence No. P/SS/1606532/C/XX/CD/23: 24 dated 3rd May, 1967 of the value of Rs. 3,25,000/- for Import of Endrin Lindane, Dieldrin, Carbahyl etc. for

manufacture of insecticides and pesticides was issued to M/s. Agro Chemicals Shed No. 1, Industrial Estate, Ambala, subject to the condition that all the items of the goods imported under it shall be used only in the licence holder's factory at the address shown in the application against which licence is issued or may be processed in the factory of another manufacturing unit but no portion thereof shall be sold to any other party or utilised or permitted to be used in other manner.

2. Thereafter, a show cause notice No. A-28/67/ENF/CLA/3702, dated 24th July, 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licence will not serve the purpose for which it has been granted in terms of Clause 9, sub-clause (cc)

3. In response to the aforesaid show cause notice, M/s. Agro Chemicals, Shed No. 1, Industrial Estate, Ambala had, by their letter dated 9th August, 1968 furnished a detailed explanation and had also asked for personal hearing with the undersigned which was allowed to their representative on 5th September, 1968.

4. The undersigned has carefully examined the said representation and has come to the conclusion that reply of the party is not based on facts and as such the same cannot be relied upon.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, Sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1606532/C/XX/CD/23:24, dated 3rd May, 1967 for Rs. 3,25,000 issued in favour of M/s. Agro Chemicals, Shed No. 1, Industrial Estate, Ambala, Haryana.

[No. A-28/67/ENF/CLA/5911]

New Delhi, the 17th October 1968

S.O. 3846.—M/s. Shamrock Industries, mile 13/3, Mathura Road, P. O. Amar Nagar, near Faridabad were granted an import licence No. P/SS/1608811/C/XX/25/C/D/25/26 dated 7th December 1967 for the import of Glassine and Vegetable parchment paper and German silver scrap for General Area for Rs. 10,000/- (Rupees ten thousand only). They have applied for the issue of a duplicate copy of the customs purposes copy thereof on the ground that their original copy has been lost/misplaced, without having been utilised and without having been registered with any customs house.

2. The applicant have filed an affidavit in support of their contention as required under para 299(2) read with Appendix-8 of the I.T.C hand book of rules and procedure, 1968. I am satisfied, the original customs purposes copy has been lost/misplaced.

3. In exercise of the powers conferred on me, under clause 9(cc), Imports (Control) Order, 1955, dated 7th December, 1955, as amended upto date. I order cancellation of the customs purposes copy of the Import Licence No. P/SS/1608811/C/XX/25/CD/25/26, dated 7th December, 1967.

4. The applicant are now being issued a duplicate copy of the customs purposes copy of the said import licence, in accordance with para 299(2), I.T.C hand book of rules and procedure. 1968

[No. F. S-6/AM. 68/AU-HRH/GLA/2173.]

J. S. BEDI,

Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 19th September 1968

S.O. 3847.—In exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, dated 7th December, 1955, as amended, the undersigned hereby cancels the Exchange Control Purposes Copy of Import Licence No. G/AU/1031979 C/XX/25/C/H/24, dated 9th May, 1967 for the import of Laboratory equipments valued at Rs. 71,000 issued to M/s. Indian Drugs & Pharmaceuticals Ltd. (Antibiotics Projects), P O Virbhadra (Rishikesh), UP

The reasons for the cancellation is that the Exchange Control Purposes Copy has been lost/misplaced.

The licensee has requested for the issue of duplicate copy in lieu thereof

[No. UD/23-I/67-68/PLS.]

S. A. SESHAN, Dy. Chief Controller.
for Chief Controller of Imports & Exports.

(Office of the Dy. Chief Controller of Imports and Exports)

ORDER

Kanpur, the 9th October 1968

S.O. 3848.—Licence Nos. P/SS/1583360 and 1583361 both dated 20th May, 1968 of the value of Rs. 10,000 each issued to M/s. Ram Lal Hari Shanker, 5, Industrial Area, Hastinapur, Meerut.

Thereafter a Show Cause Notice No. Enf. 1(128)/1968/Kan dated 6th September 1968 was issued asking them to show cause within 7 days of the date of receipt of the notice as to why the said licences in their favour should not be cancelled on the ground that the factory has closed down and that they will not serve the purpose for which they were issued, in terms of clause 9, sub-clause (cc) of the Imports (Control) Order, 1955, dated 7th December 1955 as amended.

The above Show Cause Notice has been returned undelivered by the postal authorities with the remarks that the address not known.

The undersigned has carefully examined the case and has come to the conclusion that the party have no defence to urge and have avoided a reply.

Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the Licence Nos. P/SS/1583360 and 1583361, dated 20th May, 1968 for Rs. 10,000 each issued in favour of M/s. Ram Lal Hari Shanker, 5, Industrial Area, Hastinapur, Meerut.

[No. ENF.1(128)/1968/KAN.]

SARDUL SINGH,

Dy. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 17th October 1968

S.O. 3849.—M/s. Continental Motors, Girgaum Road, Opera House, Bombay-4, were granted an Import Licence No. P/NA/AD/2018845/C/XX/25/C/H/21-22/NQQ, dated 18th April, 1967 for Rs. 26,063 (Rupees twenty-six thousand and sixty three only) for the import of motor vehicle parts etc. as per list attached thereto under National Defence Remittance Scheme. The licensee has now applied to this office for the issue of a duplicate Customs Purposes Copy of the said licence on the ground that the original Customs Purposes Copy of the licence in question, has been misplaced/lost. It is further stated that the original Customs Purposes Copy of the licence has been registered with Bombay Port Customs House and has been utilised to the extent of Rs. 6,228. The duplicate Customs Purposes Copy of the licence now required by the licensee is for the value of Rs. 19,835.

In support of their contention the licensee have filed an affidavit. I am accordingly satisfied that the original/Customs Purposes Copy of the said licence has been lost. Therefore, in exercise of the powers conferred under sub-clause 9(cc) of the Imports (Control) Order, 1955, dated 2nd December, 1955 (as amended), the original Customs Purposes Copy of the Licence No. P/NA/AD/2018845/C/XX/25/C/H/21-22/NQQ, dated 18th April, 1967 issued to M/s. Continental Motors, Girgaum Road, Opera House, Bombay-4 is hereby cancelled.

A duplicate Customs Purposes Copy of the said licence is being issued separately to the licensee

[No. NDRS/C-428/65-66/464]

S. K. GREWAL,
Deputy Chief Controller of Imports & Exports.

MINISTRY OF PETROLEUM AND CHEMICALS

New Dehli, the 14th October 1968

S.O. 3850.—Whereas it appears to the Central Government that it is necessary in the public interest that for transport of Petroleum between Barauni Refinery in Bihar State and Kanpur in Uttar Pradesh state Pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipeline it is necessary to acquire the Right of User in Land of Tahsil Chail, District Allahabad in Uttar Pradesh State described in the Schedule annexed hereto.

(2) Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

(3) Any person interested in the said land may within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority at Post Box No. 58, Allahabad. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—Uttar Pradesh	Distt.—Allahabad	Tehsil—Chail
Village	Survey No.	Extent B-B-B
1 Usman Pur Maiku	159/108	0-1-0

[No. 28(5)/68-IOC/OR.]

R. K. SINHA, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 16th October 1968

S.O. 3851.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Botanical Survey of India (Class III) Recruitment Rules 1964, namely:—

1. (1) These rules may be called the Botanical Survey of India (Class III) Recruitment (Amendment) Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Botanical Survey of India (Class III) Recruitment Rules, 1964;—in the entries relating to the post of Lower Division Clerk/Steno-typist/Time Keeper/Store Keeper/Cashier, to the entry in Column 10 the following shall be substituted, namely:—

"10 per cent. of the vacancies in the grade of Lower Division Clerks, to be filled by direct recruitment, will be reserved for being filled up by Class IV employees (borne on regular establishment), subject to the following conditions:—

(a) Selection would be made through a departmental examination confined to such Class IV employees who fulfil the requirement of minimum educational qualification, namely Matriculation or equivalent.

- (b) The maximum age for this examination would be 40 years (45 years) for Scheduled Castes/Scheduled Tribes candidates.
- (c) At least 5 years' service in Class IV would be essential.
- (d) The maximum number of recruits by this method would be limited to 10 per cent of the vacancies in the cadre of Lower Division Clerks occurring in a year; unfilled vacancies would not be carried over to the next year."

[No. F. 2-39/68-SIII.]

S. K. SANYAL, Under Secy.

New Delhi, the 17th October 1968

S.O. 3852.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the name of the following public institution shall be added to the Schedule to the said Act, namely:

"National Council of Educational Research and Training".

[No. F. 1-17/68-NCERT(A)]

S.O. 3853 —In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the Contributory Provident Fund and General Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the Educational Research and Training, New Delhi, with effect from 1st September, 1961.

[No. F. 1-17/68-NCERT.]

S. P. JAIN, Under Secy.

शिक्षा मंत्रालय

नई दिल्ली, 17 अक्टूबर 1968

एस० नो० 3854—निर्वाह निधि अधिनियम (1925 का 19) की धारा 8 की उपधारा (3) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार यह निर्देश देती है कि उक्त अधिनियम की अनुसूची में निम्नलिखित सार्वजनिक संस्था का नाम शामिल कर दिया जाय; अर्थात् :

"राष्ट्रीय शिक्षा अनुसंधान तथा प्रशिक्षण परिषद"

[स० एफ० 1-17/68—एन० सी० ई० आर० टी०]

एस० नो० 3855—निर्वाह निधि अधिनियम, 1925 (1925 का 19) की धारा 8 की उपधारा (2) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार यह निर्देश देती है कि उक्त अधिनियम के उपबन्ध, राष्ट्रीय शिक्षा अनुसंधान तथा प्रशिक्षण परिषद के कर्मचारियों के लाभ के लिए स्थापित अंशदायी निर्वाह निधि तथा सामान्य निर्वाह निधि के लिए भी 1-9-1961 से लागू होंगे।

[स० एफ० 1-17/68—एन० सी० ई० आर० टी०]

शीतल प्रसाद जैन,

अवर सचिव, भारत सरकार।

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 16th October 1968

S.O. 3856.—The following draft of Rules further to amend the Indian Patents and Designs Rules, 1933, which the Central Government proposes to make in exercise of the

powers conferred by sub-section (1) of section 77 of the Indian Patents and Designs Act, 1911 (II of 1911) is hereby published for the information of the public as required by sub-section (2) of the said section and notice is hereby given that the said draft will be taken into consideration on or after 19th November, 1968. Any comments or suggestions on the said draft received before the said date will be taken into consideration.

Draft Rules

1. **Short Title.**—These Rules may be called the Indian Patents and Designs (Amendment) Rules, 1968.

2. In the Indian Patents and Designs Rules, 1933, under the heading 'Information' after rule 63A, the following rule shall be inserted, namely:—

"63AA. Communication of result of reconsideration under section 78B(3).—The Central Government shall communicate the result of every reconsideration under sub-section (3) of section 78B of the Act to the Controller as soon as may be after such reconsideration and the Controller shall within fifteen days of the receipt thereof communicate the same in writing to the applicant concerned."

[No. 31(2)-PP&D/68.]

HARGUNDAS, Under Secy.

औद्योगिक विकास तथा समवाय-कार्य मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 16 अक्टूबर, 1968

एस० ओ० 3857.—नियमों का निम्नलिखित प्रारूप, भारतीय पेटेंट तथा डिजाइन नियम 1933 में आगे संशोधन करने के लिये है। केन्द्रीय सरकार भारतीय पेटेंट और डिजाइन अधिनियम 1911 (1911 का 2) के खण्ड 77 के उपखण्ड (1) में प्रदत्त शक्तियों का प्रयोग कर यह संशोधन करना चाहती है। उपरिलिखित खण्ड के उपखण्ड (2) द्वारा अपेक्षित जनता के सूचनार्थ एतद्वारा संशोधन प्रकाशित किया जाता है और एतद्वारा सूचित किया जाता है कि उक्त प्रारूप पर 6 नवम्बर, 1968 या उसके पश्चात् विचार होगा। इस प्रारूप पर निर्देशित तिथि से पूर्व प्राप्त टिप्पणियों और सुझावों पर विचार किया जायेगा।

नियमों का प्रारूप

1. **संक्षिप्त शीर्षक :—**इन नियमों को भारतीय पेटेंट तथा डिजाइन (संशोधन) नियम 1968 कहा जायेगा।

2. भारतीय पेटेंट तथा डिजाइन नियम 1933 में 'सूचना' के अन्तर्गत नियम 63क के बाद निम्नलिखित नियम निविष्ट किया जायेगा, अर्थात् :—

"63क. धारा 78ख(3) के अन्तर्गत किये गये पुनर्विचार के परिणाम को सूचित करना :— केन्द्रीय सरकार अधिनियम की धारा 78ख के :—

के उपखण्ड (3) के अन्तर्गत किये गये प्रत्येक पुनर्विचार के परिणाम को इस प्रकार के पुनर्विचार के पश्चात् यथाशीघ्र नियंत्रक को भेजेगी और नियंत्रक इसकी प्राप्ति के 15 दिनों के अन्दर ही इसकी लिखित सूचना सम्बन्धित आवेदकों को भेजेगा।"

[सं० 31(2)पी० पी० एण्ड डी०/68]

हरगुनदास,

अवर सचिव, भारत सरकार।

(Department of Industrial Development)


(Indian Standards Institution)

New Delhi, the 17th October, 1968

S.O. 3858.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks, Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 16 October, 1968.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
2	3	4	5	
1	IS 4559 	Rectifier type dc arc welders	IS:4559-1968 Specification for single operator rectifier type dc arc welder	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13:9]

S. O. 3859.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that marking fee per unit for rectifier type dc arc welders, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 16th October, 1968

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1	Rectifier type dc arc welders	IS:4559-1968 Specification for single operator rectifier type dc arc welder	One arc welder set	Rs. 5.00

[No. CMD/13:10]

New Delhi, the 18th October 1968

S.O. 3865.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that subsequent upon the publication of IS:4218 (Parts I to VI)-1967 ISO Metric screw threads, the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled.

THE SCHEDULE

S. No.	No. and Title of the Indian Standard cancelled	No. and Date of Gazette Notification in which Establishment of the Indian Standard was Notified
1.	IS:1330-1953 General plan for metric screw threads with ISO profile (Diameter range 0.25 to 300mm)	S.O. 2110 dated 17 September, 1959, published in the Gazette of India Part II, Section 3, Sub-section (ii) dated 26 September, 1959.
2.	IS:1362-1962 Dimensions for screw threads for general purposes (Diameter range 1.6 to 39mm) (Revised).	S.O. 1147 dated 10 April, 1963, published in the Gazette of India Part II, Section 3, Sub-section (ii) dated 20 April, 1968.

[No. CMD/13:7]

ERRATA

New Delhi, the 14th October 1968

S.O. CMD 3861/13:8.—In the Ministry of Industrial Development and Company Affairs (Indian Standards Institution) Notifications published in the Gazettes of India, Part II, section 3 (ii), the following corrections be made regarding designs of standard marks:

1. Gazette dated 20th April 1968

S.O. 1369 dated 8 April 1968.—Substitute the following designs for the existing ones against each Sl. No. quoted:

(a) Sl No. 3(i)

IS: 1729

(b) Sl No. 6 (third design)

IS: 2552



Drum only

(c) Sl. No. 8—

(1)

IS: 779

(2)

S: 779



Type A
(3)

IS: 2548

Type B
(4)

IS: 2548



Type A



Type B

2. Gazette dated 25 May 1968

S.O. 1802 dated 10 May 1968.—Sl. No. 6(b)—*Substitute* the following design for the existing one :

IS:3055



3. Gazette dated 8 June 1968

S.O. 2038 dated 23 May 1968, Schedule.—Sl. No. 1, Col. 2—*Substitute* the following design for the existing one :

IS:3384



4. Gazette dated 22 June 1968

S.O. 2178 dated 6 June 1968, Schedule, Sl. No. 2, Col. 2—*Substitute* the following design for the existing one :

IS:1422



GREY

5. Gazette dated 3 August 1968

S.O. 2730 dated 22 July 1968, Schedule, Sl. No. 1, Col. 2—*Substitute* the following design for the existing one :

IS:3076



6. Gazette dated 10 August 1968

S.O. 2763 dated 26 July 1968, Schedule, Sl. No. 1, Col. 2—*Substitute* the following design for the existing one :

IS:828



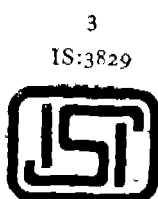
7. Gazette dated 31st August 1968

S.O. 2904 dated 8 August 1968, Schedule, Sl. No. 1, Col. 2—*Insert* the following design in place of the letters and figures 'IS:1038':

IS:1038

**8. Gazette dated 14 September 1968**

S.O. 3148 dated 23 August 1968, Schedule, Sl. Nos, 1 to 4, Col. 2—*Substitute* the following designs for the existing ones:



[No. CMD/13:8.]
(DR.) A. K. GUPTA,
Dy. Director General.

**MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND
CO-OPERATION**

(Department of Agriculture)

New Delhi, the 19th October 1968

S.O. 3862.—The following draft rules, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is published, as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 20th November 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified, will be considered by the Central Government.

AJOWAN GRADING AND MARKING RULES, 1968

1. **Short Title and application.**—(1) These rules may be called the Ajowan Seeds (whole) Grading and Marking Rules, 1968.

(2) They shall apply to Ajowan Seeds (whole) (*Trachyspermum ammi*) (Linn) produced in India.

2. **Definitions.**—In these rules, unless the context otherwise requires,

(a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India.

(b) "Schedule" means a Schedule appended to these rules.

3. **Grade Designations.**—Grade designation to indicate the quality of Ajowan Seeds shall be as set out in column 2 of Schedule II.

4. **Definition of quality.**—The quality indicated by the respective grade designations shall be as set out against each grade designation in columns 3 to 7 of Schedule II.

5. Grade Designation Marks.—(1) The grade designation marks in the case of ajowan seeds (whole) packed in polythene or paper bags shall consist of a design incorporating the number of certificate of Authorisation, the word 'Agmark' and the grade approved by the Agricultural Marketing Adviser.

(2) The grade designation mark in the case of ajowan seeds (whole) packed in containers of jute or cloth as well as in containers in which sealed polythene bags of graded ajowan seeds (whole) are packed shall consist of a label specifying the grade designation and bearing the design consisting of an outline map of India with the word "Agmark" and the figure of the rising sun with the words "Produce of India" and भारतीय उत्पाद resembling the one as set out in Schedule I.

6. Method of Marking.—(1) The grade designation mark shall be securely affixed to, or printed, on each container in the manner approved by the Agricultural Marketing Adviser.

(2) In addition to the above, the following particulars shall also be clearly and indelibly marked on each container, namely:—

1. Date of packing in code or plain letters,
2. Lot number, and
3. Net weight.

(3) An authorised packer shall not affix or print any mark (including trade mark) on a container in which Ajowan Seeds are packed which indicates or is likely to indicate a quality or grade different from that indicated by the grade designation mark of the article unless he obtains the previous approval of the Agricultural Marketing Adviser in this behalf.

7. Method of Packing.—(1) Only sound, clean and dry containers made of jute, cloth, paper or polythene, tin or glass shall be used for packing. They shall be free from any insect infestation or fungus contamination and also free from any undesirable smell.

(2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

(3) Each package shall contain Ajowan Seeds (whole) of one grade designation only.

8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following special conditions shall be observed by authorised packers to the satisfaction of the Agricultural Marketing Adviser, namely:—

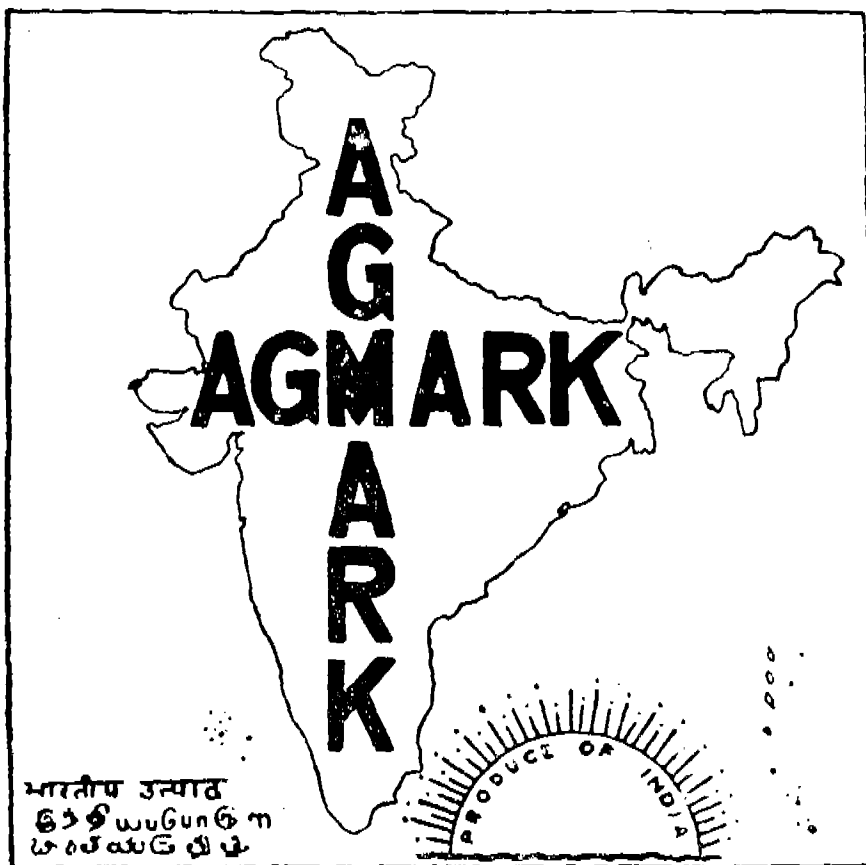
(1) An authorised packer shall make such arrangements for testing Ajowan Seeds as the Agricultural Marketing Adviser may specify by general or special orders from time to time.

(2) An authorised packer shall provide such facilities as may be necessary to the Inspecting Officers, duly authorised by the Agricultural Marketing Adviser in this behalf to discharge their duties under these rules.

SCHEDULE I

(See rule 5)

Design of the grade designation mark;



SCHEDULE II

(See rules 3 and 4)

Grade designation and definition of the Quality of Ajowan Seeds grown in India

S. Grade No. Designation	Special Characteristics				General Characteristics	
	Inorganic Foreign Matter, Percent by Weight Max.	Organic Foreign Matter, Percent by Weight, Max.	Shrivelled, Immature, Damaged, Discoloured and Weevil-led Seeds, Percent by Weight Max.	Moisture, Percent by Weight, Max.		
1	2	3	4	5	6	7
1. Special	0.25	0.5	1.0	11.0	Ajowan Seeds shall	
2. Good	0.5	0.75	2.0	11.0	be :—	
3. Fair	1.0	1.0	3.0	11.0	(a) The dried ripe fruits of the Plant botanically known as (<i>Trachyspermum ammi</i>) (Linn) have the characteristic size, shape, colour, taste and aroma, normal to the variety;	
					(b) free from visible mould or insect, living or dead;	
					(c) free from musty odour.	

Definitions :—1. Inorganic Foreign Matter:—Includes sand, earth and dust.

2. Organic Foreign Matter:—Includes leaf, stem, chaff, other seeds and any other vegetable matter.

3. Shrivelled and Immature Seeds:—Seeds that have not properly developed.

4. Weevilled Seeds:—Seeds that are partially or wholly bored or eaten away by weevil or other insects.

5. Damaged and discoloured Seeds:—Includes seeds that are cut broken damaged and discoloured, damage and discolouration materially affecting the quality.

NOTE :—The ajowan seeds shall also comply with the requirements provided under the prevention of Food Adulteration Act, 1954 and the Rules made thereunder.

[No. F. 13-21/68-L.A.]

R. SUBRAMANIAM, Under Secy.

MINISTRY OF HEALTH, FAMILY PLANNING & URBAN DEVELOPMENT**(Deptt. of Health & Urban Development)***New Delhi, the 8th October 1968*

S.O. 3863.—Whereas the Central Government have, in pursuance of the provisions of clause (e) of sub-section (1) of section 3 of Indian Medical Council Act, 1956 (102 of 1956), nominated Lt. Gen. B. Bhattacharjya, MBBS, FRCP (Lond), FRCP (Edin), DPM (Eng.), MRCS (Eng.), Director General, Armed Forces Medical Services, New Delhi, to be a member of the Medical Council of India with effect from the 29th July, 1968, *vice* Lt. Gen. J. R. Vaid expired;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Nominated under clause (e) of sub-section (1) of section 3", for the entry against serial number 2, the following entry shall be substituted, namely:—

"Lt. Gen. B. Bhattacharjya, MBBS, FRCP (Lond), FRCP (Edin), DPM (Eng.), MRCS (Eng.), Director General, Armed Forces Medical Services, New Delhi".

[No. F. 4-26/67-MPT.]

New Delhi, the 17th October 1968

S.O. 3864.—Whereas in pursuance of the provisions of clause (d) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the following persons have been elected to be the members of the Medical Council of India with effect from the 28th September, 1968:—

1. Dr. Nandi Mrinal Kumar, Registration No. 13281, (West Bengal), 67, Dharam Tala Street, Calcutta-13.
2. Dr. Das Ayuthan Bhuvan, Registration No. 2857 (Madras) Gandhi Road, Calicut, Kerala State.
3. Dr. Garg Madan Gopal, Registration No. 3422 (East Punjab), 7, Krishan Nagar, Karol Bagh, New Delhi.
4. Dr. Ghosh Rabindra Nath, Registration No. 13560 (West Bengal), 9, Sankritola Street, Calcutta-14.
5. Dr. Bhattacharyya Narendra Nath, Registration No. 12262 (West Bengal), 95, Akhil Mistry Lane, Calcutta-9.
6. Dr. Sathaye Vaman Dinkar, Registration No. 5183 (Bombay), 502, Narayan Peth, Poona-2.
7. Dr. Nath Sudhangsu Prasad, Registration No. 440 (Assam), College Road, P.O. Silchar-4, Cachar (Assam).

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, for the heading "Nominated under clause (d) of sub-section (1) of section 3 read with rule 26 of the Indian Medical Council Rules, 1957" and the entries thereunder, the following heading and entries shall be substituted, namely:—

"Elected under clause (d) of sub-section (1) of section 3.

1. Dr. Nandi Mrinal Kumar, Registration No. 13281 (West Bengal), 67, Dharam Tala Street, Calcutta-13.
2. Dr. Das Ayuthan Bhuvan, Registration No. 2857 (Madras), Gandhi Road, Calicut, Kerala State.
3. Dr. Garg Madan Gopal, Registration No. 3422 (East Punjab), 7, Krishan Nagar, Karol Bagh, New Delhi-5.
4. Dr. Ghosh Rabindra Nath, Registration No. 13560 (West Bengal), 9, Sankritola Street, Calcutta-14.
5. Dr. Bhattacharyya Narendra Nath, Registration No. 12262 (West Bengal), 95, Akhil Mistry Lane, Calcutta-9.

6. Dr. Sathaye Vaman Dinkar, Registration No. 5183 (Bombay), 502, Narayan Peth, Poona-2.
7. Dr. Natha Sudhangsu Prasad, Registration No. 440 (Assam), College Road, P.O. Silchar-4, Cachar (Assam).

[No. F. 4-3/65-MPT.]

S.O. 3865.—Whereas the Central Government have in pursuance of the provisions of clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), nominated Dr. P. K. Duraiswami, Director General of Health Services, New Delhi, to be a member of the Medical Council of India with effect from the 14th August, 1968, *vice* Dr. C. S. Patel **expired**;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960 namely:—

In the said notification, under the heading "Nominated under clause (e) of sub-section (1) of section 3", for the entry against serial No. 5, the following entry shall be substituted, namely:—

"Dr. P. K. Duraiswami, Director General of Health Services, New Delhi."

[No. F. 4-23/68-MPT.]

ORDER

New Delhi, the 16th October 1968

S.O. 3866.—Whereas the Government of India in the late Ministry of Health has, by notification No. 17-43/59-MI, dated the 9th January, 1961, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. (University of Illinois, USA) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period of two years commencing from the 2nd July, 1968 or so long as Dr. Visscher Lois Helena, who possesses the said qualification, continues to work in the Christian Hospital, Kasganj, Uttar Pradesh to which she is attached for the time being for the purposes of teaching research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Visscher Lois Helena shall be limited, provided that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in her country.

- (d) The maximum number of recruits by this method would be limited to 10 per cent.

[No. F. 19-28/68-MPT.]

K. DEO, Under Secy.

(Deptt. of Health & Urban Development)

New Delhi, the 25th October 1968

S.O. 3867.—The following draft of rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st January, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:—

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1968.

2. In the drugs and Cosmetics Rules, 1945 after rule 84, the following rule shall be inserted, namely:—

"84-A. Provision for appeal to the State Government by party whose licence has not been granted or renewed."

Any person who is aggrieved by the order passed by the Licensing Authority refusing to grant or renew a licence in Form 25, 25-A, 25-B, 26, 26-A, 26-B, 28 and 28-A may within thirty days from the date of receipt of such order, appeal to the State Government and the State Government may, after such enquiry into the matter as it considers necessary and after giving the said person an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit."

[No. F. 1-15/63-D.]

(Drugs Section)

New Delhi, the 26th October 1968

S.O. 3868.—In exercise of the powers conferred by section 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, the same having been previously published, as required by the said sections, namely:—

1. These rules may be called the Drugs and Cosmetics (Third Amendment) Rules, 1968.

2. In the Drugs and Cosmetics Rules, 1945, (herein-After referred in as the said Rules), in rule 69-A, after sub-rule (3), the following sub-rule shall be added, namely:—

'(4) If the licensing authority is satisfied that a loan licence is defaced, damaged or lost or otherwise rendered useless, he may, on payment of a fee of Rupees twentyfive issue a duplicate licence.'

3. For rule 74 of the said rules, the following rule shall be substituted, namely;

"74-Conditions of licence in Form 25.—A licence in Form 25 shall be subject to the conditions stated therein and to the following further conditions, namely:—

- (a) the licensee shall provide and maintain staff, premises and equipment as specified in rule 71;
- (b) the licensee shall comply with provisions of the Act and of these rules and with such further requirements, if any, as may be specified in any rules subsequently made under Chapter IV of the Act: provided that where such further requirements are specified in the rules, these would come into force, four months after publication in the Official Gazette.
- (c) The licensee shall either in his own laboratory or in any other laboratory approved by the licensing Authority test each batch or lot of the raw material used by him for the manufacture of his products and also each batch of the final product and shall maintain records or registers showing the particulars in respect of such tests specified in Schedule U. The records or registers shall be retained for a period of FIVE YEARS from the date of manufacture.
- (d) the licensee shall keep records of the details of manufacture as per particulars given in Schedule U of each batch of the drugs manufacture by him and such records shall be retained for a period of five years.
- (e) the licensee shall allow any Inspector, authorised by the licensing authority in that behalf, to enter, with or without prior notice, any premises and to inspect the plant and the process of manufacture and the means employed in standardising and testing the drugs.
- (f) the licensee shall allow an Inspector, authorised by the licensing authority under the provisions of clause (e) to inspect all registers and records maintained under these rules and to take samples of the manufactured drugs and shall supply to such Inspector such information as he may require for the purpose of ascertaining whether the provisions of the Act and the rules thereunder have been observed.
- (g) the licensee shall, from time to time, report to the licensing authority any changes in the expert staff responsible for the manufacture or testing of the drugs and any material alterations in the premises or plant used for the purpose which have been made since the date of the last inspection made on behalf of the licensing authority.

- (h) the licensee shall on request furnish to the licensing authority or such authorities as the licensing authority may direct, from every batch of the drug, or from such batch or batches of drugs as the licensing authority may from time to time specify, a sample of such quantity as the authority may consider adequate for any examination and if required full protocols of the tests which have been applied.
- (i) If the licensing authority so directs and if requested by the licensee who had also furnished *prima facie* reasons for such directions, the licensee shall not sell or offer for sale any batch in respect of which a sample is or protocols are furnished under clause (h) until a certificate authorising the sale of the batch has been issued to him by or on behalf of the licensing authority.
- (j) the licensee shall on being informed by the licensing authority that any part of any batch of the drug has been found by the licensing authority not to conform with the standards of strength, quality or purity specified in these rules and on being directed so to do, withdraw the remainder of the batch from sale and so far as may in the particular circumstances of the case be practicable, recall all issues already made from that batch.
- (k) the licensee shall maintain an Inspection Book in form 35 to enable an Inspector to record his impressions and the defects noticed;”

4. In Rule 74-A of the said rules,

- (i) for clause (d), the following clause shall be substituted, namely:—
- (d) “The licensee shall comply with the provisions of the Act and of these rules and with such further requirements, if any, as may be specified in any rules subsequently made under Chapter IV of the Act; Provided that where such further requirements are specified in the rules, these would come into force four months after publication in the Official Gazette.
- (ii) for clause (f) the following clause shall be substituted namely:—
- (f) The licensee shall, either in his own laboratory or, in any other laboratory approved by the Licensing Authority, test each batch or lot or raw material used by him for repacking and also each batch of the product thus repacked and shall maintain records or registers showing the particulars in respect of such tests as specified in Schedule U. The records or registers shall be retained for a period of FIVE YEARS from the date of repacking. The licensee shall allow the Inspector to inspect all registers and records maintained under these rules and shall supply to the Inspector such information as he may require for the purpose of ascertaining whether the provisions of the Act and these rules have been observed.

5. After rule 74-A of the said rules, the following rule shall be inserted, namely:—

“74-B: “Conditions of license in Form 25-A:—

- (1) The license in Form 25-A shall be deemed to be cancelled or suspended, if the licence owned by the licensee in Form 25 whose manufacturing facilities have been availed of by the licensee is cancelled or suspended as the case may be, under these rules.
- (2) The licensee shall comply with the provisions of the Act and of these rules and with such further requirements if any, as may be specified in any rules subsequently made under Chapter IV of the Act, provided that where such further requirements are specified in the rules, these would come in to force four months after publication in the Official Gazette.
- (3) The licensee shall test each batch or lot of the raw material used by him for the manufacture of his products and also each batch of the final product and shall maintain records or registers showing the particulars in respect of such tests as specified in Schedule U. The records or registers shall be retained for a period of FIVE YEARS from the date of manufacture. The licensee shall allow an Inspector to inspect all registers and records maintained under these rules and shall supply to the Inspector such information as he may require for the purpose of ascertaining whether the provisions of the Act and these rules have been observed.
- (4) The license shall either (i) provide and maintained to the satisfaction of the licensing authorities adequate staff and adequate laboratory facilities for carrying out tests of the strength, quality and purity of the substances manufactured by him or (ii) make arrangements with some institution

approved by the licensing authority for such tests to be regularly carried out on his behalf by the institution”.

6. In rule 75-A of the said rules after sub-rule (3), following sub-rule shall be inserted, namely:—

“(4) If the licensing authority is satisfied that a loan licence is defaced, damaged or otherwise rendered useless, he may, on payment of a fee of rupees seventy-five, issue a duplicate licence.”;

7. In rule 78 of the said rules,

(i) for clause (c), the following clause shall be substituted, namely:—

(c) (i) The licensee shall maintain records of manufacture as per particulars given in Schedule U.

(ii) The licensee shall either in his own laboratory or in any laboratory approved by the licensing authority test each batch or lot of the raw material used by him for the manufacture of his product and also each batch of the final product and shall maintain records or registers showing the particulars in respect of such tests as specified in Schedule U. The records or registers shall be retained in the case of a substance for which a potency date is fixed for a period of two years from the expiry of such date, and in the case of other substances for a period of five years from the date of manufacture.

(ii) for clause (k), the following clause shall be substituted, namely:—

“(k) the licensee shall comply with the provisions of the Act and of these rules and with such further requirements, if any, as may be specified in any rules subsequently made under chapter IV of the Act, provided that where such further requirements are specified in the rules, those would come into force four months after publication in the Official Gazette.”.

8. After rule 78 of the said Rules, the following rule shall be inserted, namely:—

“78-A *Conditions of License in Form 28-A*”

(1) The licensee in Form 28-A shall be deemed to be cancelled or suspended, if the licence owned by the licensee in Form 28 whose manufacturing facilities have been availed of by the licensee is cancelled or suspended, as the case may be, under these rules.

(2) The licensee shall comply with the provisions of the Act and of these rules and with such further requirements if any, as may be specified in any rules subsequently made under chapter IV of the Act, provided that where such further requirements are specified in the rules, those would come into force four months after publication in the Official Gazette.

(3) The licensee shall test each batch or lot of the raw material used by him for the manufacture of his products and also each batch of the final product and shall maintain records or registers showing the particulars in respect of such tests as specified in Schedule U. Records or registers shall be retained, in the case of a substance for which a potency date is fixed, for a period of two years from the expiry of such date and in the case of other substances, for a period of five years from the date of manufacture. The licensee shall allow an inspector to inspect all registers and records maintained under these rules and shall supply to the Inspector such information as he may require for the purpose of ascertaining whether the provisions of the Act and these rules have been observed.

(4) The licensee shall either (i) provide and maintain to the satisfaction of the licensing authority adequate staff and adequate laboratory facilities for carrying out tests of the strength, quality and purity of the substances manufactured by him or (ii) make arrangements with some institution approved by the licensing authority for such tests to be regularly carried out on his behalf by the institution.

9. After Schedule T of the said rules, the following schedule shall be added, namely:—

"SCHEDULE U"

(See rules 74, 74-A, 74-B, 78 and 78-A)

I. Particulars to be shown in Manufacturing Records.

A. Substances other than Parenteral preparation in general.

1. Serial Number.
2. Name of the product.
3. Lot/Batch size.
4. Lot/Batch Number.
5. Date of commencement of manufacture and date when manufacture was completed.
6. Names of all ingredients, quantities required for the lot/batch size, quantities actually used. (All weighing and measurements shall be checked and initialled by the competent person in the Section).
7. Control reference numbers in respect of raw materials used in formulation.
8. Date of mixing in case of dry products e.g. powder, powder mixture for capsule products, etc.
9. Date of granulation wherever applicable.
10. Weight of granules.
11. Date of compression in case of tablets/date of filling in case of capsules.
- 11A. Dates of coating wherever applicable.
12. Records of test to be carried out in case of tablets as under:—
 - (a) Average weight every thirty minutes.
 - (b) Distintegration time as often as practicable.
13. Records of readings taken to check weight variation in case of capsules.
14. Reference to Analytical Report number stating whether of standard quality or otherwise.
15. Records on the disposal of rejected batches and batches withdrawn from the market.
16. Actual production and packing particulars indicating the size and quantity of finished packings.
17. Date of release of finished packing for distribution or sale.
18. In case of Hypodermic tablets and ophthalmic preparations which are required to be manufactured under aseptic conditions records shall be maintained indicating the precautions taken during the process of manufacture to ensure that aseptic conditions are maintained.
19. Signature of the Expert Staff responsible for the manufacture.

B. Parenteral preparations.

1. Serial Number.
2. Name of the product.
3. Lot size.
4. Batch number (if bulk lot is divided into various batches and processed separately, a batch number distinctly different from that of the bulk lot should be assigned to each of the processed batch).
5. Date of commencement of manufacture and date of completion.
6. Name of all ingredients, quantities required for the lot size, quantities actually used. (All weighings and measurements shall be checked and initialled by the competent person in the section).
7. Control reference numbers in respect of raw material used.
8. PH of the Solution wherever applicable.
9. Date and methods of filtration.
10. Sterility test reference on bulk batch wherever applicable. (If bulk lot is divided into various batches and processed separately, a batch number distinctly

different from that of the bulk lot should be assigned to each of the processed batch).

11. Date of filling.
12. Records of tests employed—
 - (a) To ensure that sealed ampoules are leak-proof.
 - (b) To check the presence of foreign particles.
 - (c) For pyrogens wherever applicable.
13. Records of sterilisation in case of parenteral preparations which are heat sterilised including particulars of time, temperature and pressure employed.
14. Number and size of containers filled and number rejected.
15. Reference to Analytical Report numbers stating whether of standard quality or otherwise.
16. Records of the disposal of rejected batch and batches withdrawn from the market.
17. Actual production and packing particulars.
18. Date of release of finished packings for distribution or sale.
19. Particulars regarding the precautions taken during manufacture to ensure that aseptic conditions are maintained.
20. Control reference numbers in respect of the lot of glass containers used for filling.
21. Signature of the Expert Staff responsible for manufacture.

II. *Records of raw materials*

Records in respect of each raw material shall be maintained indicating the quantity received, control reference numbers, the quantities issued from time to time, the names and batch Nos. of the products for the manufacture of which the quantities have been issued and the particulars relating to the proper disposal of the stocks.

III. *Particulars to be recorded in the analytical records*

A. *Tablets and capsules.*

1. Analytical report number.
2. Name of the sample.
3. Date of receipt of sample.
4. Batch/Lot Number.
5. *Protocols of tests applied.*
 - (a) Description.
 - (b) Identification.
 - (c) Uniformity of weight.
 - (d) Uniformity of diameter (if applicable).
 - (e) Disintegration Test (time in minutes).
 - (f) Any other tests.
 - (g) Results of assay.

NOTES.—Records regarding various tests applied (including reading and calculations) should be maintained and necessary reference to these records should be entered in Column 5 above whenever necessary.

6. Signature of the Analyst.
7. Opinion and signature of the approved Analyst.

B. *Parenteral Preparations.*

1. Analytical report number.
2. Name of the sample.

3. Batch number.
4. Date of receipt of sample.
5. Number of container filled.
6. Number of container received.
7. Protocols of Tests applied.
 - (a) Clarity.
 - (b) PH wherever applicable
 - (c) Identification.
 - (d) Volume in container.
 - (e) Sterility—(i) Bulk sample wherever applicable (ii) container sample.
 - (f) Pyrogen Test wherever applicable.
 - (g) Toxicity test wherever applicable.
 - (h) Any other tests.
 - (i) Results of Assay.

NOTE.—Records regarding various tests applied (including readings and calculations) should be maintained and necessary reference to these records should be entered in column 7 above, wherever necessary.

8. Signature of the Analyst.
9. Opinion and signature of the approved Analyst.

Pyrogen Test.

1. Test Report Number.
2. Name of sample.
3. Batch Number.
4. Number of rabbits used.
5. Weight of each rabbit.
6. Normal temperature of each rabbit.
7. Mean initial temperature of each rabbit.
8. Dose and volume of solution injected into each rabbit and time of injection.
9. Temperature of each rabbit noted at suitable intervals.
10. Maximum temperature.
11. Response.
12. Summed Response.
13. Signature of the Analyst.
14. Opinion and signature of the approved Analyst.

Toxicity Test.

1. Test Report Number.
2. Name of the sample.
3. Batch Number.
4. Number of mice used and weight of each mouse.
5. Strength and volume of the drug injected.
6. Date of injection.
7. Results and remarks.
8. Signature of Analyst.
9. Opinion and signature of the approved Analyst.

C. For other drugs.

1. Analytical report number.
2. Name of the sample.

3. Batch/Lot number.
4. Date of receipt of sample.
5. Protocols of test applied.
 - (a) Description.
 - (b) Identification.
 - (c) Any other tests.
 - (d) Results of assay.

NOTE.—Particulars regarding various tests applied (including readings and calculations) shall be maintained and necessary reference to these records shall be entered in Column 5 above, wherever necessary.

6. Signature of the Analyst.
7. Opinion and signature of the approved Analyst.

D. Raw Materials.

1. Serial Number.
2. Name of the material.
3. Name of the manufacturer/supplier.
4. Quantity received.
5. Invoice/Challan Number and date.
6. Protocols of tests applied.

NOTE.—Particulars regarding various tests applied (including reading and calculations) shall be maintained and necessary reference to these records shall be entered in Column 6 above, whenever necessary.

E. Container, Packing Material, etc.

1. Serial Number.
2. Name of the item.
3. Name of the manufacturer/supplier.
4. Quantity received.
5. Invoice/Challan number and date.
6. Results of tests applied.

NOTE.—Particulars regarding various tests applied shall be maintained and necessary reference to these records shall be entered in column 6 above, whenever necessary.

7. Remarks.
8. Signature of the examiner.

NOTE.—1. The foregoing provisions represent the minimum requirements to be complied with by the licensee. The Licensing Authority, may, however, direct the nature of records to be maintained by the licensee for such products as are not covered by the categories described above.

2. The Licensing Authority may permit the licensee to maintain records in such manner as are considered satisfactory, provided the basic requirements laid down above are complied with.
3. The Licensing Authority may at its discretion direct the licensee to maintain records for such additional particulars as it may consider necessary in the circumstances of a particular case."

[No. F.1-20/64-Drugs.]

S.O. 3869.—In exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, the same having been previously published as required by the said sections, namely:—

1. (1) These rules may be called the Drugs and Cosmetics (Second Amendment) Rules, 1968.

(2) These shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945, hereinafter referred to as the said rules, in rule 30AA, in the Explanations, after the words 'the Homoeopathic Pharmacopoeias of the United States or the United Kingdom', the words 'or the German Homoeopathic Pharmacopoeia' shall be inserted.

3. In the said rules, for rule 44, the following rule shall be substituted, namely:—

"44. *Qualifications of Government Analyst.*—A person appointed as a Government Analyst under the Act shall be a person who,—

- (a) is a graduate in medicine or science or pharmacy or pharmaceutical chemistry of a University recognised for this purpose by the appointing authority and has had not less than three years' post-graduate experience in the analysis of drugs in a laboratory under the control of (i) a Government Analyst appointed under the Act, or (ii) a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E), or (iii) the head of an Institution or testing laboratory approved for the purpose by the appointing authority, or
- (b) possesses the Associateship Diploma of the Institution of Chemists (India) obtained by passing the said examination with 'Analysis of Drugs and Pharmaceuticals' as one of the subjects and has had not less than two years' post-graduate experience in the analysis of drugs in a laboratory under the control of (i) a Government Analyst appointed under the Act, or (ii) a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E), or (iii) the head of an Institution or testing laboratory approved for the purpose by the appointing authority;
- (c) is a fellow of the Royal Institute of Chemistry of Great Britain (Branch E).

Provided that

- (i) for the purpose of examination of items included in Schedule C, the person appointed should be able to produce evidence of satisfactory training in physiology, bacteriology or serology or pathology or pharmacology or microbiology and should have not less than three years' experience of testing biological products included in Schedule C in an institution or testing laboratory approved by the appointing authority;
- (ii) for a period of four years from the date on which Chapter IV of the Act takes effect in the States, persons, whose training and experience are regarded by the appointing authority as affording, subject to such further training, if any, as may be considered necessary, a reasonable guarantee of adequate knowledge and competence, may be appointed as Government Analysts. The persons so appointed may, if the appointing authority so desires, continue in service after the expiry of the said period of four years;
- (iii) no person who is engaged directly or indirectly in any trade or business connected with the manufacture of drugs shall be appointed as a Government Analyst for any area".

4. In the said rules, in rule 65, in sub-rule (16) after the words "Inspection Book" wherever they occur, the following words and figures shall be inserted, namely:—

"in Form 35".

5. In the said rules, in rule 71, in sub-rule (1), after the proviso, the following further proviso shall be inserted, namely:—

"Provided further that the Licensing Authority may, in the matter of manufacture of disinfectant fluids, insecticides, liquid paraffin, medicinal gasses, non-chemical contraceptives, plaster of Paris and surgical dressings, for the manufacture of which the knowledge of Pharmaceutical chemistry or Pharmacy is not essential, permit the manufacture of the substance under the active direction and personal supervision of the competent technical staff, who, although not having any of the qualifications included in clauses (a), (b) or (c) of this rule, has, in the opinion of the Licensing Authority, adequate experience in the manufacture of such substance"

6. In the said rules, in rule 74, in clause (f) after the words "Inspection Book" wherever they occur, the following words and figures shall be inserted, namely:—

"in Form 35".

7. In the said rules, in rule 74-A, after clause (f) the following clause shall be inserted, namely:—

“(g) the licensee shall maintain an Inspection Book, in Form 35, to enable an Inspector to record his impressions and the defects noticed”.

8. In the said rules, in rule 78, in sub-rule (1), after the words “Inspection Book” wherever they occur, the following words and figures shall be inserted, namely:—

“in Form 35”.

9. In the said rules, in rule 85H in clause (d) after the words “Inspection Book” wherever they occur, the following words and figures shall be inserted, namely:—

“in Form 35”.

10. In the said rules, in rule 96, in sub-rule (1), in sub-clause (v), the words “manufactured in India” shall be omitted.

11. In the said rules, in rule 142, in clause (f) after the words “Inspection Book” wherever they occur, the following words and figures shall be inserted, namely:—

“in Form 35”.

12. In the said rules, in Schedule ‘A’ (i) in Form 8, for the figures “XXVII”, the figures “XXIII” shall be substituted.

(ii) after Form 34, the following Form shall be inserted, namely:—

“FORM 35

(See rules 65, 74, 74A, 78, 85H and 142).

Form in which the Inspection Book shall be maintained

A. The cover of the Inspection Book shall contain the following particulars, namely:—

1. The name and address of the Licensee.....
2. Licence number and the date upto which the licence is valid.....

B. (i) The pages of the Inspection Book shall be serially numbered and duly stamped by the Licensing Authority. The pages, other than the first and the last pages, shall have the following particulars:—

‘Name and designation of the Inspector who inspects the premises of the Licensee.....

Date of Inspection.....

Observations of the Inspector.....

Signature of the Inspector.’

(ii) The first and last pages, of the Inspection Book shall be endorsed by the Licensing Authority with the following words, namely:—

‘Inspection Book maintained by M/s.....
situated at.....for licence number.....in
Form.....under Drugs and Cosmetic Rules.

Seal and signature of the Licensing Authority.’

NOTES.—(i) Printed copy of the Inspection Book may be obtained by the licensee from the Licensing Authority on payment.

(ii) The Inspection Book shall be maintained at the premises of the Licensee.

(iii) The observations made by the Drugs Inspector shall be in triplicate. The original copy shall be retained in the Inspection Book to be maintained in the premises of the Licensee. The duplicate copy shall be sent to the Licensing Authority. The triplicate copy shall be taken as record by the Inspector.”

14. In the said rules, (i) in Schedule C, for entry 12, the following entry shall be substituted, namely:—

“12. Any other preparation which is meant for parenteral administration as such or after being made up with a solvent or medium or any other sterile product and which—

(a) requires to be stored in a refrigerator; or

(b) does not require to be stored in a refrigerator.”

15. In the said rules, in Schedule F, in part IX, for the heading "Any other preparations in a form to be administered parenterally", the following heading shall be substituted, namely:—

"Any other preparations including water for injection in a form to be administered parenterally".

16. In the said rules, for Schedule J, the following Schedule shall be substituted, namely:—

"SCHEDULE J

(See rule 106)

Diseases and ailments (by whatever name described) which a drug may not purport to prevent or cure

1. Appendicitis.
2. Arteriosclerosis.
3. Blindness.
4. Blood Poisoning.
5. Bright's disease.
6. Cancer.
7. Cataract.
8. Deafness.
9. Diabetes.
10. Discases and disorders of the optical system.
11. Diseases and disorders of the brain.
12. Diseases and disorders of the uterus.
13. Disorders of menstrual flow.
14. Disorders of the nervous system.
15. Disorders of the prostatic gland.
16. Dropsy.
17. Epilepsy.
18. Female diseases (in general).
19. Fevers (in general).
20. Fits.
21. Gall stones, kidney stones and bladder stones.
22. Gangrene.
23. Glaucoma.
24. Goitre.
25. Heart diseases.
26. High or low blood pressure.
27. Hydrocele.
28. Hysteria.
29. Infantile paralysis
30. Insanity.
31. Leprosy.
32. Leucoderma.
33. Lockjaw.
34. Locomotor Ataxia.
35. Lupus.
36. Nervous debility.
37. Obesity.
38. Paralysis.
39. Plague.

40. Pleurisy.
41. Pneumonia.
42. Rheumatism.
43. Ruptures.
44. Sexual impotence.
45. Smallpox.
46. Sterility in women.
47. Trachoma.
48. Tuberculosis.
49. Tumours.
50. Typhoid fever.
51. Ulcers of the gastrointestinal tract.
52. Venereal diseases, including syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma).

[No. F.1-14/68-D.]

L. K. MURTHY, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 17th October 1968

S.O. 3870.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely :—

1. This Scheme may be called the Calcutta Unregistered Dock Workers (Regulation of Employment) Third Amendment Scheme, 1968.

2. In clause 6-A of the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, after item (c), the following item shall be inserted, namely :—

“(d) keeping and maintaining, from time to time, a list of dock workers and removing from the list the name of a dock worker either at his own request or in accordance with the provisions of this Scheme”.

[No. 61/2/68-Fac.II.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th October 1968

S.O. 3871.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the matter of an application under Section 33A of the said Act from Shri C. R. Goswami, Fitter (Electrical) Nandini Mines C/o Secretary, S. K. M. Sangh, Post Office Nandini Mines, District Durg (Madhya Pradesh), which was received by the Central Government on the 9th October, 1968

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Dated, August 28, 1968

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

(1) CASE No. CGIT/LC(B)(1)/68 U/S 33(2)(b) I.D. Act.

[Arising out of Case Ref. No. CGIT/LC(R)(151)/67.]

PARTIES:

Agent/Superintendent, Ore Mines and Quarries, Bhilai Steel Plant, Bhilai, Distt. Durg (M.P.)—*Applicant*.

Vs.

Shri C. R. Goswami, Fitter/Electrical, Nandini Mines—*Opposite Party*.

(2) CASE No. CGIT/LC(A)(1)/68 U/S 33-A I.D. Act.

[Arising out of Case Ref. No. CGIT/LC(R)(151)/67.]

PARTIES:

Shri C. R. Goswami, Fitter (Elec.), Nandini Mines C/o Secretary, S. K. M. Sangh, P.O. Nandini Mines, Distt., Durg (M.P.)—*Complainant*.

Vs.

The Superintendent, Ore Mines Quarries, Bhilai Steel Plant, Bhilai, District Durg (M.P.)—*Opposite Party*.

APPEARANCES:

For Bhilai Steel Plant—S/Sri M. R. Raju, Senior Labour Officer & K. G. Marar, Asstt. Law Officer.

For Sri Goswami—Sri P. K. Thakur, Vice President, S. K. M. Sangh.

INDUSTRY: Lime Stone

DISTRICT: DURG (M.P.)

ORDER/AWARD

These are two cases which have been consolidated by an order dated 3rd April, 1968. The management of Bhilai Steel Plant through the Agent/Superintendent Ore Mines and Quarries filed an application under Sec. 33(2)(b) I.D. Act against the Opposite Party, Sri C. R. Goswami, Electrical Fitter, Nandini Mines, for approval of an action of removal from service which did not disqualify him for future employment on 28th December, 1967. Before notice in the case could reach the Opposite Party, Sri C. R. Goswami, to be hereinafter called Goswami, filed an application under Sec. 33-A against the aforesaid Superintendent complaining of the contravention of provisions of Sec. 33 I.D. Act, not having been aware that the management had already moved an application for approval of the action because of the pendency of case Ref. No. 151/1967. The application by the management under Sec. 33(2)(b) I.D. Act was made the leading and evidence was recorded in that case. Sri Goswami, the Opp. Party, was charge-sheeted on a report of Sri K. N. Pathenkar, Asstt. Electrical Engineer, under whom he was a Fitter complaining that on 3rd May, 1967 at about 9 A.M. while he was at the Control Room, Goswami had first demanded the reason why he had written a letter dated 2nd May, 1967 for his absence on duty and on his replying that he had done it on a report received. Goswami flared up, abused him filthily and assaulted him by holding his chin and pushing him back. The incident was witnessed by two other Electrical Fitters S/Sri B. G. Kotwani and K. C. Saxena and by Sri S. C. Biswas, Chargeman. On the report of the Asst. Engineer, Sri K. N. Pathenkar (Ex. E/1) Sri T. P. M. Sunderam Mines Manager suspended Goswami on 4th May, 1967 (Ex. E/2). He was charge-sheeted on 10th May, 1967 for using abusive language pulling Sri Pathenkar by the chin and pushing him as also for threatening him (Ex. E/3 and E/3A). Sri Goswami by his reply dated 17th May, 1967 (Ex. E/4) denied the allegations and complained that he was being victimised. He is Vice President of the Branch Union, S. K. M. Sangh, and took an active part in union activities and had even gone on hunger strike. Officers of the management were hostile to him and therefore, he was being denied promotion and harassed. The Superintendent, Sri K. K. Sengupta, ordered constitution of an Enquiry Committee with Sri Jai Kumar, Personnel Officer, as Enquiry Officer, on 27th June, 1967 (Ex. E/5). The Enquiry Officer held enquiry on two dates, the first on 11th August, 1967

and the second on 25th August, 1967. In the enquiry, Goswami was represented by Sri C. R. Buxi, who is President of the Union. There was no special representative of the management. It may be mentioned that before the charge-sheet there was a fact finding Preliminary enquiry by a committee comprising of two officers and in that enquiry, besides Sri K. N. Pathenkar, S/Sri K. C. Saxena, B. G. Kotwani, and S. C. Biswas, had been examined (Ex. E/12). It is on the basis of this preliminary enquiry which was held on the same date on which the incident took place i.e. 3rd May, 1967, that on report of the Mines Manager, the Opposite Party was charge-sheeted. In the domestic enquiry these very witnesses, namely S/Sri K. C. Saxena, B. G. Kotwani and S. C. Biswas, were examined. They were, however, not examined afresh but their statements recorded in the preliminary enquiry were read over and copied out in domestic enquiry. The representative of the Opposite Party thereafter cross-examined the witnesses. After the conclusion of the management's witnesses, two witnesses were examined by Goswami. One was Sri Dhanraj Singh Yadav who stated that he had no knowledge and was not an eye witness. Another witness, Sri Jogendra Singh, however, supported the version of Goswami that on receipt of the warning letter in the morning of 3rd May, 1967, both S/Sri Goswami and Pathenkar entered the Control Room of the Crushing Plant and Goswami enquired from Sri Biswas in presence of Sri Pathenkar, if he had reported against him on the previous date about absence from duty. Sri Biswas replied in negative. Goswami thereafter only charged Sri Pathenkar for falsely concocting evidence so as to debar his promotion. Nothing further occurred and Sri Pathenkar left the room. After the statement of Goswami and his witnesses had been recorded, his representative filed a note of written arguments on the same date which was 25th August, 1967. The Enquiry Officer then recorded a finding (Ex. E/10) on 30th August, 1967 and in consequence of which the order of removal was passed on 28th December, 1967 (Ex. E/11). It may be mentioned that the application for approval was filed simultaneously and so was the tender made for payment of one month's wages.

2. Goswami in his reply challenged the domestic enquiry as having been unfair and impartial. It was alleged that the Enquiry Officer cross-examined extensively witnesses of both parties and the finding was perverse. It was further contended that the proviso to Sec. 33(2)(b) had not been complied with a fact which was not pressed in arguments and has not been shown how the proviso has not been complied with. It was next pleaded that the Agent/Supdt. Ore Mines and Quarries was not the employer and therefore could not pass the order in question. This was also not pressed. It was also alleged that provision of Sec. 33(3) I.D. Act was contravened but this plea also was not pressed. Lastly, it was alleged that the charge-sheet was *mala fide* and he has been victimised.

3. To prove that Goswami was a concerned workman in parent case Ref. No. 151/67 Sri C. R. Buxi, Vice President of the Union, Samyukta Khadan Mazdoor Sangh, was examined. He is also President of Nandini Branch of S. K. M. Sangh. He proved that Goswami had been Joint Secretary of the Branch upto 1963 and was Vice President when he was dismissed. He admitted that although the Union had been sending letters, the last of which is Ex. W/1 to recognise office bearers of the branch including Goswami as "protected workman" yet management by reply (Ex. W/2) intimated that they were not prepared to recognise the nominated workers as "protected" workmen inasmuch as this was not in conformity with Rule 61(1) of I.D. (Central) Rules. That being so, the question of breach of Sec. 33(3) did not arise and was, therefore, not pressed.

4. After it was proved that Goswami was a concerned workman in the parent case Ref. No. 151/67 which was about mining allowance, to prove the record of enquiry, management examined the Enquiry Officer, Sri V. P. Jaikumar, on 30th May, 1968. After his evidence was recorded and arguments had been heard, without recording a categorical finding whether the enquiry stands vitiated or not, it was considered desirable to call for evidence on merits of the misconduct also for which the Opp. Party had been charge-sheeted and dismissed. The management, therefore, examined Sri K. N. Pathenkar (E.W. 2) and three witnesses who were examined in the domestic enquiry also, namely S/Sri B. G. Kotwani, K. C. Saxena and S. C. Biswas (E.Ws. 3, 4 & 5). The Opp. Party examined himself and one more witness Sri A. B. Roy who was not an eye witness but stated that Goswami got a letter dated 2nd May, 1967 read by him and he saw both S/Sri Goswami and Pathenkar entering the Control Room but nothing further. The witness examined by him in the enquiry, namely Jogendra Singh, was not examined before this Tribunal. The first infirmity in the enquiry which at the outset appeared grave enough to vitiate the enquiry was the fact that statements recorded in the preliminary enquiry were read over and admitted in the domestic enquiry and no fresh statements were recorded. This procedure had been criticised by the Hon'ble Supreme Court at least in two cases, Keshoram Cotton Mills, Ltd., vs. Gangadhar and others [1963-II-LLJ p. 452 and Kardah & Co. Ltd. vs. Its workmen, 1963 (II)LLJ p. 452]. But on a close

examination of the question it, however, appears that although it was desirable to have recorded the statements afresh yet that would have been a mere formality. The statements were reproduced and recorded in the enquiry and were admitted by the witnesses. They were extensively cross-examined by Sri C. R. Buxi, the Union representative. He made no complaint that he should have been supplied with copies and should be given sufficient time so as to cross-examine them. As a matter of fact, after the evidence was closed, he filed written note and in which while he commented on the evidence there was not the least suggestion made that any prejudice was caused by the procedure adopted by the Enquiry Officer. In the last paragraph he admitted, the receipt of true copies of statements made before the preliminary enquiry and read over in the departmental enquiry. He further admitted that he was fully satisfied with the manner in which the departmental enquiry had been conducted. It is, therefore, too late in the day to contend now that the procedure was irregular. As a matter of fact it is not always that an enquiry would stand vitiated for this reason. In *Keshoram Cotton Mills case*, their lordships of the Supreme Court approved of an observation made in *State of Mysore Vs. Shivabasanna Shivanna Makannur* [A.I.R. 1963 (S.C.) 375] and stated that the rules of natural justice would be the same for enquiries under Art. 311 of the Constitution against Government servants as also against industrial employees. But where in enquiries lawyers are not permitted and the union representative is also generally not allowed in domestic enquiries previously prepared statements should not be admitted. It is, however, a question of fact to be determined in each case. In the instant case there had been no real violation of principles of natural justice by admitting the statements recorded in the preliminary enquiry when Goswami and his representative, Sri Buxi, the Union Vice President, raised no objection and cross-examined the witnesses on the strength of those statements. It may be mentioned that in the reply filed to the application also no grievance was made about it. The ground has been taken only at the stage of arguments.

5. The next infirmity which appeared noticeable was the fact that the Enquiry Officer cross-examined the witnesses. This evidently he had to do as there was no management's representative. The Enquiry Officer is entitled to put questions to witnesses to elucidate facts. But he should not closely cross-examine them. He had put questions to management's witnesses as also to defence witnesses. He also cross-examined Goswami which he should not have done. Questions put to Goswami, however, were not such as to show that the Enquiry Officer indulged in any close cross-examination with a view to shatter him. Since, however, the representative of the Opp. Party Sri Buxi and Goswami himself did not complain about it in the written note submitted to the Enquiry Officer and as a matter of fact admitted the fairness of the enquiry, this fact by itself would not be indicative of any lack of bonafide and infraction of any principle of natural justice. Finding of the Enquiry Officer is not at all perverse and is based by the evidence on three eye witnesses besides that of Shri Pathenkar himself.

6. Even if the enquiry is treated to be vitiated for any violation of principles of natural justice, the management has given necessary evidence about the incident. Sri Pathenkar examined himself as E.W. 2 and narrated the incident. He gave a categorical statement stating the filthy abuses used by Goswami and the fact that he was held by the chin and rushed. The version was supported by three other witnesses, namely S/Sri B. G. Kotwani, K. C. Saxena and S. C. Biswas (E.Ws. 3, 4, 5). As against this the evidence of Goswami comprised of his own statement only. His witness, Sri A. B. Roy (W.W. 2), was not an eye witness of the occurrence but what he claimed to have seen an anterior happening outside the Control Room. It is doubtful that he could have been at all present as his shift timing was over at 6 A.M. and the occurrence took place at about 9 A.M. In any case, the version as stated by Sri Pathenkar is quite trust-worthy. It does not stand to reason that an engineer would make himself hero of an unsavoury incident and suffer the indignity of an allegation of abuses and assault at the hands of his subordinate. There must have been substantial truth in the allegation. There was sufficient cause for provocation to Goswami, he having received a letter dated 2nd May, 1967 in which he had been warned by Sri Pathenkar for having been found absent from his seat. Goswami rightly or wrongly had been labouring under an impression that the officers had been unjust in denying him promotion. With this background in his mind, it is but natural to expect that he indulged in this offensive behaviour.

Decision :

The result is that approval as prayed by the management of the Bhilai Steel Plant is granted. The application of Sri C. R. Goswami under Sec. 33-A is dismissed there having been no breach of Sec. 33(2)(b) I.D. Act.

(Sd.) G. C. AGARWALA,
Presiding Officer.
28-8-1968.

[No. 37/39/68-I.R.]

S.O. 3872.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the Industrial dispute between the employers in relation to the Hongkong and Shanghai Banking Corporation, 31, Dalhousie Square, Calcutta-1 and their workmen, represented by Hongkong and Shanghai Banking Corporation (Calcutta Branch) Employees' Union, 31, Dalhousie Square, Calcutta-1 which was received by the Central Government on the 4th October, 1968.

BEFORE SRI N. K. CHADDHA, ARBITRATOR.

Arbitration in Industrial Dispute.

BETWEEN

Hongkong & Shanghai Banking Corporation, Calcutta and their workmen represented by Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union.

PRESENT:

Sri N. K. Chaddha—Arbitrator.

APPEARANCE:

For the employer—Sri P. Mandal, Legal Adviser, Hong Kong & Shanghai Banking Corporation, Calcutta.

For the workmen—Sri Gouri Shankar, Member of the Working Committee, Bengal Bank Employees' Federation, Calcutta.

ARBITRATION AWARD UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947.

The Management of the Hongkong & Shanghai Banking Corporation, 31, Dalhousie Square Calcutta-1 and their workmen represented by the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, 31, Dalhousie Square, Calcutta-1 by a written agreement dated the 22nd May, 1968 in pursuance of the provisions under sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the industrial dispute existing between them over the question of grant of special leave to 13 workmen for absence on the 28th February, 1968 in terms of the Bank's notice dated the 19th March, 1968 and refund of the wages deducted for that day, i.e. 28th February, 1968, to my arbitration. The Government of India in the Ministry of Labour, Employment and Rehabilitation, in pursuance of the provisions of Sub-Section (3) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) published the said arbitration agreement which was received by them on the 1st June, 1968 by their Notification No. 24/21/68 LR.III, dated 21st June, 1968 in Part-II Section 3 Sub-section (ii) of the Gazette of India dated 19th June, 1968.

The following specific matter in dispute was referred to my arbitration:—

Specific matter in dispute

Whether the following workmen are entitled to special leave for absence on 28th February, 1968 in terms of the Bank's notice dated 19th March, 1968.

Names of workmen

1. Din Mohd.
2. Mohd. Rafique.
3. Mohd. Ali.
4. Mohd. Shafique.
5. Musaraf Hossain Khan.
6. Mohd. Habib Khan II.
7. Nisar Ahmed Khan.
8. Khalil Ahmed.
9. Mohd. Osman.
10. Mohd. Yasin.
11. Fatebahadur Khan.
12. Bimbahadur Das *alias* Bimbadher Das.
13. Bhamra Nayack.

On receipt of the copy of Gazette Notification, the parties were requested to submit their written statement by 24th July, 1968, vide my letter No. Cal.51(21)/R/C/68, dated 12th July, 1968 endorsing a copy thereto to the opposite party in order to facilitate each

of them to furnish their counter-comments to me endorsing a copy to other party. Accordingly the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union and the management of the Hongkong & Shanghai Banking Corporation, Calcutta submitted their written statements to me *vide* their letter dated 19th July, 1968 and 24th July, 1968 respectively. The Management of the Hongkong & Shanghai Banking Corporation, Calcutta also submitted their counter statement *vide* their letter dated 30th July, 1968.

The parties were heard in person on 14th August, 1968 Sri P. Mandal, Legal Adviser represented the Management of the Hongkong & Shanghai Banking Corporation, Calcutta and Sri Gouri Shankar, Member of the Working Committee, Bengal Bank Employees' Federation, Calcutta represented the workmen in the said proceedings.

The case of the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union in the instant dispute in nut-shell, is as follows:—

Members of the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, Calcutta were opposed to the alleged illegal strike of 28th February, 1968 sponsored by the All-India Bank Employees' Association, and accordingly on that day i.e. 28th February, 1968, according to the decision of the Union, all the members of the Union including those who were residing in the bank premises assembled in the Dalhousie Square in the proximity of the Bank premises with a view to joining duty *en masse*, but the situation at the bank's gate, due to heavy picketing by the members of the rival Union sponsoring the strike, being too abnormal, they could not join their duties. On the 19th of March, 1968, the Management of the Hongkong & Shanghai Banking Corporation, Calcutta released a notice inviting applications from those employees who did not participate in the aforesaid strike, explaining the reasons for not attending their duties on 28th February, 1968. The Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, Calcutta *vide* its letter dated 20th March, 1968 addressed to the Manager explained the circumstances which stood in the way of their members from joining duties on 28th February, 1968. The Management of the Bank, however, wanted *vide* their letter dated 22nd March, 1968 that individual employees should explain separately about their absence and accordingly on 28th March, 1968 a joint application of the members of the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union explaining the reason of their not being able to join duties on 28th February, 1968 was submitted to the Bank. Application from those who were on leave on 28th February, 1968 were submitted to the Bank on their return. The Management of the Bank were, however, not satisfied with the explanation so tendered by the members of the aforesaid Union and deducted their salaries for one day i.e. 28th February, 1968 from the salary for the month of April, 1968. In the circumstances, this Union raised an industrial dispute before the Assistant Labour Commissioner (Central), Calcutta on 8th May, 1968. The Assistant Labour Commissioner (Central), Calcutta took up the dispute in conciliation on 22nd May, 1968 when a settlement was arrived at between the parties resulting in payment of salary for the 28th February, 1968 to 40 members involved in the dispute. The case of 13 employees which now forms the subject matter of the present reference could not be settled in conciliation in as much as the Management of the Bank considered that as 11 of them normally reside within the Bank's premises, there was no justification for them to be absent on the day of strike on 28th February, 1968.

Both the parties argued their case before me at length and the proceedings were concluded on 14th August, 1968.

The representative of the Hong Kong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, during the arguments before me, stated that prior to 28th February, 1968 their members gave a declaration to the Management of the Hong Kong & Shanghai Banking Corporation, Calcutta, through the Union that they would not participate in the strike on 28th February, 1968. Accordingly, in their zealous bid to join their duties on the day of strike on 28th February, 1968, almost all the members of the Hong Kong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, including those who were residing in the Bank premises, assembled in front of the Bank for reporting for duty. The reason behind their assembling at a spot being that it would be easier for them to enter into the bank premises collectively. Their attempt was, however, foiled due to heavy picketing at the Bank's gate by the striking employees led by other Union. Even those two of their members who could somehow report for duty on the said date, had to cancel their attendance and leave the place of work under force and intimidation. No protection whatsoever was provided by the Bank management for the willing workers. The Union, therefore, argued that in the circumstances of the case, the 13 workmen under reference, should also be treated on par with those 40 workmen referred to above

by granting them special leave for 28th February, 1968 and wages for the said day so deducted should be refunded to them.

The representative of the management of the Hongkong & Shanghai Banking Corporation, Calcutta argued that there could not be any question of these 13 workmen having come to resume their normal duties and being prevented from entering into the Bank due to picketing of the Bank's gate inasmuch as the Management considered that as all of them normally reside within the Bank's premises, there was no justification for them to be absent. These 13 workmen were, therefore, not entitled to special leave and their claim in the present reference should be dismissed. The representative of the management further maintained that staff residing in the Bank's premises ought not to have come out on the day of strike on 28th February, 1968 to create a situation making it impossible on their part to enter into the Bank for duty. They were, therefore, to bear the consequence of their own faulty decision. As regards Sri Din Mohammed, Jamdar, one of the 13 workmen under reference, who actually joined the duties, but did not sign the attendance register, the representative of the management stated that since Sri Din Mohammed had stated, in writing, that he could not join duties due to picketing in the Bank's gate, the management had no other alternative than to treat him at par with other 12 workmen in question who normally put up within the office premises and who allegedly chose to go out knowing that they might be prevented from re-entering the Bank.

When asked, Sri Mandal, representative of the management, however, admitted that although the Officers of the Bank did report for duty on 28th February, 1968, they could not enter the Bank's premises due to heavy picketing at the gate. He, of course, pleaded ignorance of the fact that these 13 workmen went out of the Bank premises on 28th February, 1968 to reenter along with the other willing workers at the start of the duty hours of the Bank. Instead, as far as the Management were concerned, they considered them to be present inside the Bank premises and as such it was incumbent on them to report for duty.

I have gone through the written statements of both the parties and have heard their arguments in support of their respective stands. I find that the Management of the Hongkong & Shanghai Banking Corporation Calcutta knew before hand through the General Secretary, Bengal Bank Employees' Federation who called on the Manager of the Bank earlier, that the members of the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union were opposed to the strike sponsored at the instance of All-India Bank Employees' Association on 28th February, 1968. I also find from the written statement of the Union and the arguments its representative advanced in course of hearing, that there is no iota of doubt that the members of the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union including the 13 workmen under reference, were not in favour of the aforesaid strike and were actually ardent to attend their duties on the day of the strike. It is apparent from the facts placed before me that neither these 13 workmen who were residing in the Bank's premises nor the leaders of the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union could anticipate the measure of risk involved in leaving the bank premises first and then re-entering at the start of the duty hours on the day of strike on 28th February, 1968. In all probability these 13 workmen in question would not have ventured to make such a plan had they been in a position to foresee the danger involved. To me it appears that all the attention of the members of the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union including these 13 workmen under reference was centred around their eagerness to exhibit their willingness to join duties by defying the action of the All India Bank Employees' Association in launching strike on 28th February, 1968.

The Management of the Bank have, as I find from the foregoing, already considered the cases of 40 employees who were willing to join duties on 28th February, 1968 but could not do so due to heavy picketing etc. at the Bank's gate. They have been granted special leave and the wages deducted for one day on 28th February, 1968 have been refunded to them. In juxtaposition to this fact the management's action in treating these 13 workmen under reference on a different footing by refusing grant of special leave and refund of the wages deducted for the said day i.e. 28th February, 1968 does not appeal to me. I am led to this conclusion because probably this was the first time when the staff residing in the Bank's premises had left the place of stay on such occasion. Besides, I do not find that the Bank had released any notice earlier prohibiting the staff residing within the Bank's premises from going out during off hours without the knowledge of the Management.

I, therefore, direct that these 13 workmen under reference be granted special leave for 28th February, 1968 and the wages for that day so deducted from their salary for the month of April, 1968 be refunded to them immediately.

(Sd.) N. K. CHADHA,
Arbitrator and Regional Labour Commissioner,
(Central), Calcutta.
[No. 24/21/68/LR.III.]

New Delhi, the 25th October 1968

S.O. 3873.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the New Great Insurance Company of India Limited, and their workmen, which was received by the Central Government on the 14th October, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-2 OF 1967

PARTIES:

Employers in relation to the New Great Insurance Company of India Limited.

AND

their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers.—Shri E. S. Ramakrishnan, Deputy General Manager of the company.

For the workmen.—Shri K. S. B. Pillai, Joint Secretary, All India Insurance Employees' Association.

STATE : Maharashtra.

INDUSTRY : General Insurance.

Bombay, the 16th September 1968

AWARD

The Government of India in the Ministry of Labour and Employment have by their Order No. 74(13)/66-LRIV, dated 7th January, 1967 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the New Great Insurance Company of India Ltd. and their workmen represented by the All India Insurance Employees Association, Calcutta in respect of the following matters specified in the schedule to the said Order :—

SCHEDULE

“Whether the following demands put forward by the workmen are justified ?

Charter of Demands

All the demands contained herein below shall apply equally to all the employees employed throughout the country in the New Great Insurance Company of India Limited.

I. Classification of Employees

The employees will be classified into the following categories :—

- (a) Peons, Sweepers, Watchman, etc. shall be placed in Grade “A”.
- (b) Drivers, Head Peons shall be placed in Grade ‘B’.
- (c) Record Clerks shall be placed in Grade ‘B’.
- (d) Assistants, Telephone Operators, Typists, Receiving and Paying Cashiers, comptists, Receptionists, etc., shall be placed in Grade ‘D’.
- (e) Junior supervisory staff variously termed as Higher Grade Assistants, Special Assistants, Senior Assistants, Head Typists, Sectional Heads, Cashiers and

Senior Cashiers, Head Cashiers, Head Clerks, Stenographers, etc. shall be placed in Grade 'E'.

- (f) Senior Supervisory Staff, variously termed as Superintendents, Assistants Superintendents, Head Clerks, Sectional Heads, Branch Accountants, Junior Accountants, Claims Adjusters, etc., shall be placed in Grade 'F'.

II. Scales of Pay:

Grade 'A' Rs. 120-5/6-150-6/7-192-8/6-240 in 19 years.
 Grade 'B' Rs. 180-6/2-192-8/6-240-10/6-300 in 16 years.
 Grade 'C' Rs. 196-6/3-214-10/5-264-12/3-300-15/4-360 in 15 years.
 Grade 'D' Rs. 200-15/4-260-20/7-400-25/4-500 in 15 years.
 Grade 'E' Rs. 275-20/5-375-25/5-500-30/4-620 in 14 years.
 Grade 'F' Rs. 350-30/6-530-40/4-690 in 10 years.

III. Dearness Allowance:

Dearness Allowance shall be paid at the rate of 1-1/2 per cent. of basic pay for every rise of 5 points over the cost of living index figure of 360 (1939=100 Points) or 1 per cent. of basic pay for every rise of 1 point (one point) over the cost of living index figure of 100 (1949=100 points) subject to a minimum of Rs. 50/-.

IV. Adjustments and Merger of Dearness Allowance:

An employee shall be fitted into new scales on a point to point basis. The Basic Pay and dearness allowance as on 30th June, 1965 shall be treated as basic pay only for the purpose of adjustment of basic pay to the new scales of pay.

V. Special Allowance:

Employees engaged in work mentioned below and/or designated as below shall be entitled to special allowance per mensem in addition to their salaries and emoluments in the manner stated below:—

- (a) Watchmen, Bank Peons, Despatch Peons, Stationery Peons, Doctor's Peons, Duplicating Machine Operators, Delivery Peons and other peons who help in Clerical work such as filing policies attaching clauses with necessary clauses, Telephone Relievers and such other employees: Rs. 20/- per month.

N.B. All India Cost of Living Index shall be taken as the basis for calculation of the dearness allowance.

- (b) Typists, Stenographers, Comptists, Telephone Operators, Paying and Receiving Cashiers, Cash Assistants and such other employees: Rs. 30/- per month.

VI. Special Increments:

In addition, the employees shall be entitled to Special increments for passing the following examinations on the scale shown against such examinations:—

(a)	On Graduation	2	Increments
(b)	On Post Graduation or Double Graduation	1	"
(c)	On Typists being promoted as Stenos	2	"
(d)	Licentiate or A.C.I.I. Part I	1	Increment for each part
(e)	A.F. I.I. Part I or A.C.I.I. Part II	-do-	
(f)	A.F. I.I. Part II or A.C.I.I. Part III	-do-	
(g)	F.F. I.I. or F.C. I.I.	-do-	

Chartered Accountant or Diploma in Accountancy.

VII. Other Allowances:

(a) *Overtime Allowance*.—An employee working over-time after the Schedule working hours shall be entitled to Overtime Allowance for such period of work rendered at the rate of double the hourly rate of wages inclusive of special allowance and all other allowances. No employee shall be engaged in for overtime work for more than 90 hours in the calendar year.

(b) *Officiating Allowance*.—(1) If an employee is required to officiate in a higher post, he shall be entitled to an Acting Allowance at the rate of 20 per cent. of his salary for the period for which he officiates.

(2) If an employee is required to act in a post for which special pay is provided, he shall be entitled to *pro-rata* special Allowance for the period of such work done.

(c) *House Rent Allowance*.—(i) All the employees shall be paid as House Rent Allowance a sum at the rate of 20 per cent of his salary per mensem, subject to minimum of Rs. 20/-.

(ii) The Company shall arrange to provide Residential Accommodation to its employees or advance the cost thereof to be recovered from the employees' salary in easy instalments.

(d) *Lunch Allowance*.—Every person shall be paid lunch allowance of Rs. 2/- per each working day.

(e) Every employee shall be paid a conveyance allowance of Rs. 10/- per month.

(f) Senior Supervisory Staff, variously termed as Superintendents, Assistant allowance of Rs. 10/- per month for washing their uniforms.

VIII. Amenities:

(i) Text Books for A.C.I.I. or Federation of Insurance Institute Examination shall be supplied by the Company in turn, Examination Fee shall be paid by the employer after the employee has passed the examination.

(ii) Adequate subsidy shall be given for sports, recreation and Cultural activities of the employees.

(iii) All the employees shall be entitled to a Free Personal Accident (Annual Policy) the premiums of which shall be borne by the employers. The Sum Assured of such Policy shall be Rs. 10,000/-.

(iv) Adequate subsidy shall be given for cheap canteens for supply of wholesome food to the employees in each of the Office premises.

(v) Two Cups of Tea, one in the morning and one in the afternoon shall be supplied free of charge to each employee on all working days.

(vi) The Company shall provide a Tiffin Room with sitting accommodation for the purpose of lunch, tea etc., such rooms shall be allowed for preserving the Union's records and other materials.

IX. Free Medical Aid:

All Medical expenses incurred by the employees and their family members shall be reimbursed by the employer without any reservation. For this purpose, Medical expenses, shall include Cost of Medicines, Doctor's Bill, Specialists Fees, Cost of X-ray and other Special Expenses, Hospital Charges, Cost of Spectacles etc. as prescribed by any Registered Medical Practitioner.

X. Gratuity:

On retirement or retrenchment or on death or on total and permanent disability of an employee while in the service of the Company.

One month's basic salary for each year of continuous service subject to a maximum of 30 months basic salary.

On resignation from service after completion of 3 years of continuous service.

One month's basic salary for each year of continuous service subject to a maximum of 30 months basic salary.

On termination of service by the Company.

One month's basic salary for each completed year of service but not more than 30 months basic salary.

The salary for the purpose of calculating Gratuity shall be the terminal basic salary drawable by the employee previous to death, disablement, retirement, resignation, retrenchment, or termination of service as the case may be.

XI. Retirement Age:

The age of retirement of an employee shall be 60 years.

XII. Provident Fund:

(i) All permanent employees including part-time employee should be made members of the provident fund.

(ii) The rate of contribution should be 10 per cent of total emoluments i.e. basic pay plus Dearness Allowance plus special allowance, if any, with

- equal contribution by the Company. The employees should, however, be allowed to contribute voluntarily upto 15 per cent. of their salary without corresponding contribution from the Company.
- (iii) Interest at a minimum rate of equal to the official Bank Rate of the country should be paid on the total contribution by the employee and Company.
 - (iv) Unclaimed fund should be distributed *pro-rata* every year amongst the existing employees from time to time.
 - (v) Full benefits of the fund should be permitted to the employees on completion of 5 years of service.
 - (vi) Loan from the provident fund to the extent of 6 months' salary or of the employees own contribution shall be granted to the employees at a time without any restrictions.
 - (vii) *Board of Trustees.*—On the Board of Provident Fund Trust, the workmen and the employer should have equal number of representatives. Workmen representatives should be elected by themselves by simple majority of votes. Re-election of workman representatives should be held every three years unless necessitated earlier by death or resignation or recall by a majority of the employees.

XIII. Leave.

- (i) *Casual Leave.*—15 days Casual Leave should be given in a Calendar year. 6 days Casual leave may be granted at a stretch. Casual leave may be prefixed and suffixed to public holidays and sundays.
- (ii) *Privilege Leave.*—Privilege leave should be allowed to all employees at the rate of 1 day for every 11 calendar days. Employees should be allowed to accumulate leave upto 6 months. Privilege leave should be allowed to be encashed.

Return fare to the employee, his wife and dependents should be granted once in 2 years for going any where in India.

- (iii) *Sick Leave.*—30 days' sick leave per year should be allowed on full pay to the employees with a maximum accumulation of 12 months, during the service period.

In case of prolonged illness further sick leave with half pay should be allowed upto 6 months more and another 6 months without pay.

- (iv) *Maternity Leave.*—Maternity leave upto the period of 3 months shall be allowed to all female employees, but in no case more than 6 weeks leave will be allowed from the date of confinement.
- (v) *Furlough Leave.*—Employees on retirement shall be granted 6 months leave as leave preparatory to retirement or 6 months total salary should be paid in lieu thereof.
- (vi) *Examination Leave.*—Employees shall be allowed adequate leave for appearing in all the recognised examination in addition to all other leave.
- (vii) *Special Leave.*—Adequate leave shall be allowed to the Union Representatives and Office bearers of All India Insurance Employees' Association and/or its affiliated unions to enable them to attend meetings and conferences of the Unions and their Central organisations and to participate in the Tribunals and Conciliation Proceedings.

XIV. Security of Service:

No employee shall be victimised for Trade Union activities.

XV. Working Hours:

The working hours for employees in Clerical and Supervisory grade shall be 33 hours and for sub-staff members 36 hours during the week days working from Mondays to Fridays treating Saturdays and Sundays as week-end holidays. A grace time of 15 minutes shall be allowed before the employees are marked late

XVI. Bonus:

Customary.—Employees shall be paid three months basic salary as Bonus per year and the same shall be paid on or before 31st May of every year.

XVII. Uniform to Sub-Staff:

All members of the sub-staff shall be provided with following outfit annually:—

1. Summer Uniform—Coat, Shirt, Full Pant	4 Sets.
2. Winter uniform—Full Pant.	1 Set.
3. Umbrella	1
4. Footwear	2 Pairs
5. Rain Coat—One for those who are to do outdoor duties and drivers.	
6.	4

XI. Recruitment:

Recruitment shall be made from amongst the retrenched employees of the General Insurance Industry, registered in the Pool as demanded in the resolution adopted in the All India Convention of General Insurance Employees held on 15th and 16th August, 1960 in Bombay under the auspices of the All India Insurance Employees' Association. Only in case such employees are not available in the Pool, recruitment might be made through local employment exchanges. In case of recruitment from among the retrenched employees, due credit shall be given to the past service and all restrictions regarding age, educational qualifications, etc., applicable to new recruits shall be waived.

XX. Temporary Staff:

No employee shall be recruited on temporary basis.

XXI. Confirmation:

Employees shall be confirmed after 3 months' probationary service automatically.

XXII Promotion:

No direct recruitment shall be made in Higher Grade Assistant's and supervisory grades and all vacancies in these grades shall be filled in by way of promotion. The promotion shall be made on the basis of seniority and merits of the employees. Sub-staff members shall be absorbed in the Assistant's grade on passing S.S.C., S.S.L.C. or equivalent examination. At all times the percentage of the employees in the Higher Grade Assistants and Supervisory grades shall not be less than 40 per cent and 20 per cent respectively of the total number of employees in all the three grades.

XXIII. Transfer:

No employee shall be transferred from one place to another without his/her consent. A transfer allowance of Rs. 50/-, Rs. 75/- and Rs. 100/- respectively shall be paid to the employees in the Assistants', Higher Grade Assistants' and Supervisory grades when an employee agrees for transfer.

XXIV. Heating Arrangement:

During the winter season, where there are extremely cold climate such as Delhi, Lucknow, Nagpur, Amritsar etc., the employer shall arrange to provide with electric heating arrangements in the office premises.

XXV. Holidays:

All the Holidays declared under the Negotiable Instrument Act 1961 shall be paid holidays for the employees. But in case the number of holidays under the Negotiable Instruments Act is less than 22 days in a year the employees shall be given additional holidays for Festival days to make a total of 22 days.

XXV. Date of Effect:

All benefits stated in this Charter of Demands shall have effect from 1st July, 1965.

XXVII. Trade Union Rights:

The all India Insurance Employees' Association and its affiliated Units shall be given due recognition and such facilities as providing Trade Union Offices and holding Trade Union Meetings in Office premises and hanging Notice Board of the Union should be granted.

XXVIII. Existing Rights and Privileges:

Nothing contained in this Charter shall adversely affect or take away from any employee or Group of employees any right, privilege or usages, practice or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employees or group of employees."

2. After the receipt of the reference notices were served and both parties filed their written statements in respect of the issues in the reference. There were in all 28 demands which related to and were made applicable equally to all the employees employed by the company throughout the country and the statement of claim filed by the Union runs over more than seventy-five pages. The company has by its written statement opposed the reference and raised various contentions requesting that the tribunal should lay stress on the economic consideration in preference to social only and the limitations and restrictions under which the company was working. However after prolonged negotiations both the parties have amicably settled the dispute and filed a joint application along with the memorandum of settlement dated 2nd September 1968 praying that an award may be passed in terms of the said settlement.

3. The employers the New Great Insurance Company of India Ltd., are represented by us Deputy General Manager Shri E. S. Ramakrishnan while the workmen are represented by Shri K. S. B. Pillai, Joint Secretary of the All India Insurance Employees' Association Calcutta. Both of them who are present today have signed the memorandum of settlement and have explained to me the terms of settlement.

4. It is clear from the settlement that a part of the dearness allowance has been merged in the basic salaries. Provision has also been made for the minimum scale of pay which is to be made applicable in all branches by stages. A new scheme of dearness allowance is also evolved with a basic dearness allowance and it has been linked to the all India consumer price index. Provision has also been made for the grant of house rent allowance to the employees in the major cities of Bombay, Calcutta, Delhi and Madras. The management has also agreed to give additional increments for special qualifications and special allowances for special work. The terms of settlement are fair and reasonable and I think it proper to make an award in terms of the settlement annexure 'A' which shall form part of this award.

No order as to costs.

(Sd.) A. T. ZAMBE,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

ANNEXURE 'A'

Memorandum of Settlement

Names of Parties.—The New Great Insurance Company of India Ltd., Principal Office at 7, Jamshedji Tata Road, Churchgate Reclamation, Fort, Post Box No. 1126, Bombay.

AND

Workmen employed by The New Great Insurance Company of India Ltd. in Bombay, Calcutta and Madras offices and other offices in India.

Representing Employer.—E. S. Ramakrishnan, Deputy General Manager, The New Great Insurance Company of India Limited.

Representing Workmen.—K. S. B. Pillai, Joint Secretary, The All India Insurance Employees Association, Calcutta.

This settlement made this 2nd day of September 1968 between The New Great Insurance Company of India Ltd. (hereinafter referred to as "the Company") and the Workmen employed by the Company in Bombay, Calcutta, Madras Offices and other offices in India represented by The All India Insurance Employees Association (hereinafter referred to as "the Union").

Whereas the Union submitted a Charter of Demands on behalf of the workmen employed by the Company in its various offices.

And whereas the Charter insofar as it relates to the Workmen was referred to adjudication by the Central Government Industrial Tribunal and was marked as Reference No. CGIT No. 2 of 1967.

And whereas pursuant to further negotiations the parties have arrived at the following settlement to the intent that it will be binding on parties under Section 18 of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act").

And now it is hereby agreed by and between the parties hereto as follows:—

1. *Commencement of the Settlement.*—This settlement will apply to the workmen employed by the Company in Bombay, Calcutta, and Madras Offices with effect from 1st January 1967 and to workmen employed in other offices in India with effect from 1st January 1968.

2. (a) *Salary Scales.*—The following salary scales shall be introduced in all the offices of the Company in India:

(i) Assistants (clerks including typists and telephone operators).	Rs. 150—8—198—10—258—12—330—EB—15—435 (in 25 years).
(ii) Stenographers	Rs. 174—8—198—10—258—12—330—EB—15—450 (in 23 years)
(iii) Senior Assistants (including Sectional Heads, Accountants or Superintendents in Branches and Divisional Offices wherever applicable).	Rs. 200—12½—250—15—340—EB—20—500 (in 18 years).
(iv) Sectional Heads (only in Bombay)	Rs. 295—15—370—20—490—25—590 (in 15 years).
(v) Record Clerks (only in Bombay)	Rs. 110—4—138—5—163—8—235 (in 21 years).
(vi) Drivers	Rs. 130—5—210 (in 16 years)
(vii) Peons, Liftmen, Watchmen, Plumbers, Gardeners.	Rs. 85—3—115—4—135—5—165 (in 21 years).
(viii) Wiremen/Electrician	Rs. 130—8—178—10—238—12—310—EB—15—415 (in 25 years).

(b) *Classification.*—The classification of individual workmen into grades (ii), (iii) and (iv) will be as mentioned in Schedule “A” hereto.

(c) *Adjustment.*—1. The following amounts will be added to the basic salaries drawn by the workmen as on 31st December, 1966 or 31st December, 1967, as the case may be as specified in Clause 1 herein above (that is depending upon whether the revised scales are applicable to the workmen on 1st January, 1967 or 1st January, 1968).

- | | |
|---|----------|
| 1. Assistants, Stenographers, Senior Assistants, Sectional Heads | Rs. 70/- |
| 2. Record Clerks, Drivers, Peons, Liftmen, Watchmen, Plumbers, Gardeners, Wiremen/Electricians. | Rs. 50/- |

2. After addition of Rs. 70/- or Rs. 50/- as the case may be in the basic salary of the workmen as provided in Clause 1 above, the basic salary derived under Clause (1) above will be fitted in the revised grades [vide 2(a)] in the following manner:—

- Workmen who would be in receipt of basic salary which is less than the starting basic salary of the respective revised scales shall be stepped up to the minimum of the revised scale.
- Workmen who would be in receipt of basic salary which is higher than the starting basic salary of the respective scales but which is not a step in the revised scale shall be stepped up to the next step in the revised scale.
- Workmen who would be in receipt of basic salary which is in step with a step in the revised scale shall be fitted at that step in the scale.

Similar amounts will be added to the basic salaries in respect of workmen who were appointed after 1st January, 1967 and are employed in Bombay, Calcutta and Madras Offices and in respect of workmen employed after 1st January, 1968 in other Offices in India.

3. *Dearness Allowance.*—(A) In place of the existing dearness allowance scheme the following scheme of dearness allowance will be introduced when the All India Consumer Price Index Number (Base 1949=100) for working class is at 170.

(a) *For workmen employed at Bombay, Calcutta, Madras and New Delhi:*

Upto Basic salary Rs. 100/-	Rs. 60 flat.
Between 101 and 250	Rs. 60/- plus 30% of basic salary in excess of Rs. 100/-
Between 251 and 350	Rs. 105/- (Rs. 60+45) plus 20% of the basic salary in excess of Rs. 250/-.

Between 351 and 400	Rs. 125/- (Rs. 60+45+20) plus 15% of the basic salary in excess of Rs. 350/-.
Between 401 and 500	Rs. 132.50 (Rs. 60+45+20+7½) plus 10% of basic salary in excess of Rs. 400/-.
Above Rs. 500	Rs. 142.50 (Rs. 60+45+20+7½+10). D.A. will be paid as if monthly basic salary is Rs. 500/- i.e. no D.A. is payable on that portion of basic salary over Rs. 500/-.

(b) For workmen employed at Jaipur, Patna, Ahmedabad, Lucknow, Hyderabad, Bangalore, Nagpur and Kanpur :

Upto basic salary Rs. 100	Rs. 40/- flat.
Between 101 and 250	Rs. 40/- plus 20% of the basic salary in excess of Rs. 100/-.
Between 251 and 350	Rs. 70/- (Rs. 40+30) plus 10% of the basic salary in excess of Rs. 250/-.
Between 351 and 500	Rs. 80/- (Rs. 40+30+10) plus 5% of the basic salary in excess of Rs. 350/-.
Above Rs. 500	Rs. 87.50 (Rs. 40+30+10+7.50). D.A. will be paid as if the salary is Rs. 500/- i.e. no D.A. is payable on that portion of basic salary over Rs. 500/-.

(c) For workmen employed at all other Offices in India :

Upto basic salary Rs. 100	Rs. 20/- flat.
Between 101 and 250	Rs. 20/- plus 20% of the basic salary in excess of Rs. 100/-.
Between 251 and 350	Rs. 50/- (Rs. 20+30) plus 10% of the basic salary in excess of Rs. 250/-.
Between 351 and 500	Rs. 60/- (Rs. 20+30+10) plus 5% of the basic salary in excess of Rs. 350/-.
Above Rs. 500	Rs. 67.50 (Rs. 20+30+10+7.50). D.A. will be paid as if the monthly basic salary is Rs. 500/- i.e. no D.A. is payable on that portion of basic salary over Rs. 500/-.

(B) It is further agreed that for every rise or fall of one point in the quarterly average index number over or below 170, the D.A. payable on the basic salary will be increased or decreased, as the case may be, as under:—

Basic salary	Percentage
For the first Rs. 100/-	1% of basic salary.
For the balance amount of basic salary upto Rs. 500/-.	½% of such balance amount of basic salary.

Provided, however, that the maximum dearness allowance payable under the scheme per month shall not exceed Rs. 350/- in respect of workmen employed in Offices mentioned in Sub-Clauses (a) and (b) of Clause "A" and Rs. 300/- in respect of Offices mentioned in sub-clause (c) of Clause "A" above.

(C) The D.A. adjustment for any quarter shall be made on the basis of the average of The All India Consumer's Price Index for the quarter last preceding the previous quarter (that is for the 1st quarter of any year the adjustment shall be on the basis of the average of the All India Consumer's Price Index for the 3rd quarter of the previous year, and so on). For the purposes of calculating dearness allowance on the basis of the average quarterly index, a fraction of one-third of the average quarterly index will be ignored and a fraction of two-thirds will be rounded up to one.

4. *House Rent Allowance.*—House rent allowance will be paid to following categories of workmen employed only in Bombay, Calcutta, Madras and New Delhi Offices.

(i) Assistants, Senior Assistants, Sectional Heads, Rs. 15/- per month.
Stenographers.

(ii) Peons, Drivers, Record Clerks, Watchmen, Rs. 10/- per month.
Liftmen, Plumbers, Gardeners, Wiremen/
Electricians.

5. (a) In view of the fact that the settlement will be effective from 1st January, 1967 or 1st January, 1968 as the case may be as specified in Clause 1 hereinabove, the Company agrees to waive the recovery of one month's gross salary which was paid by way of advance and the interim relief paid to the workmen prior to 31st December 1966 or 31st December 1967 as the case may be. In consideration of this, the workmen will have no claim for revision of wages or other conditions of service for the periods concerned.

(b) (i) For the purpose of calculating the arrears in respect of basic salary, D. A. and house rent allowance wherever applicable payable to workmen for the period commencing from 1st January, 1967 or from 1st January, 1968 as the case may be as specified in Clause 1 hereinabove, the total monthly earnings (excluding over-time) payable under this settlement (subject to adjustments in Clause 6 below) will be worked out and the total monthly earnings (including the interim relief but excluding overtime if any earned) of the respective workmen for the above-mentioned period will be deducted and the balance after making deductions towards Provident Fund and Income-tax will be paid to the respective workmen as arrears, payable under this settlement.

(ii) The arrears payable under this settlement in respect of all types of functional allowances, bonus and medical aid shall be paid separately.

6. *Certain other adjustments.*—(a) Notwithstanding anything contained in the settlement, if a workman employed at New Delhi, Jaipur, Patna, Ahmedabad, Lucknow, Hyderabad, Bangalore, Nagpur and Kanpur gets an increase in his remuneration as per this settlement (excluding all allowances other than D. A.) which is more than the increase received by the workmen employed at Bombay drawing the same amount of basic salary in the same grade (excluding all allowances other than D.A.) then the workman of the above Branch Offices will be only entitled to receive in the first year of this settlement, i.e., in the year 1968 an increase which is equal to that received by the Bombay Office workman (excluding all allowances other than D.A.) in January 1967, the difference being reduced from the dearness allowance otherwise payable under this settlement.

In the year 1969, 50 per cent of the said difference will continue to be deducted from the dearness allowance otherwise payable under this settlement every month whilst no such deduction from dearness allowance will be made in 1970. But this will not prevent the workmen from getting an increase in dearness allowance arising as a result of a rise in the quarterly average in the All India Consumer Price Index Number for Working Class:

Provided, however, that if the said deduction exceeds the dearness allowance a workman is entitled to, the balance amount deductible will be adjusted against the dearness allowance a workman shall be entitled to as a result of the rise in the cost of living index. The workman shall be entitled to dearness allowance only after the amount deductible is adjusted against increase in dearness allowance arising as a result of rise in the cost of living index. Illustration given in statement No. 1 to Schedule 'B' attached hereto illustrates and clarifies the intention of parties to this settlement.

For the purpose of determining the increase under this settlement, basic salary and dearness allowance as on 31st December, 1966 will be taken as the basis.

(b) Similarly, if any workman employed at other Branches referred to in Clause 3(A) (c) above gets an increase in his remuneration as per this settlement excluding all allowances other than D.A.) which is more than the increase received by the workmen employed

at any of the Branches referred to in clause 3(A)(b) above, drawing the same amount of basic salary in the same grade (excluding all allowances other than D. A.) then the workman employed at the Branches referred to in clause 3(A)(c) above will be only entitled to receive in the first year of this settlement i.e., in 1968 an increase which is equal to that drawn by the workman employed at the Branches referred to in clause 3(A)(b) (excluding all allowances other than D. A.) in January 1968, the difference being reduced from Dearness Allowance otherwise payable under this settlement.

In the year 1969, 50 p.c. of the said difference will continue to be deducted from his dearness allowance every month, whilst no such deduction from dearness allowance will be made in 1970. But this will not prevent a workman from getting an increase in dearness allowance arising as a result of a rise in the quarterly average in the All India Consumer Price Index Number for working Class. Provided, however, that if the said deduction exceeds the dearness allowance a workman is entitled to, the balance amount deductible will be adjusted against the dearness allowance a workman shall be entitled to as a result of a rise in the cost of living index. The workman shall be entitled to dearness allowance only after the amount deductible is adjusted against increase in dearness allowance arising as a result of rise in the cost of living index. Illustration given in statement No. 2 of Schedule 'B' attached hereto illustrates and clarifies the intention of the parties to this settlement.

For the purpose of determining the increase under this settlement, basic salary and dearness allowance as on 31st December 1966 will be taken as the basis.

7. If after adjustments, as mentioned above, any workman gets in a month total emoluments (basic salary and dearness allowance and house rent allowance) less than what he was drawing as on 31st December, 1966 or 31st December, 1967 (as the case may be) or the total increase he received by reason of adjustment in the revised scale is less than Rs. 10/-, he will be given a special pay which will ensure that he gets a minimum increase of Rs. 10/- over the basic salary, dearness allowance, index dearness allowance adjustment and interim relief drawn on 31st December, 1966 or 31st December, 1967 (as the case may be). The special pay mentioned above will not be payable after the expiry of one year mentioned hereinabove.

8. *Annual Increments*.—All permanent workmen shall be given their annual increments on 1st July every year. For the purpose of grant of increment, continuous service of six months or more as on 1st July shall entitle a workman for the increment on 1st July but a workman who has continuous service of less than 6 months on 1st July of any year will not receive the yearly increment payable on 1st July of the year concerned.

9. *Special increments*.—(i) (a) A graduate on joining service will be given two special increments at the start in the grade. Double graduates will be given three special increments at the start in the grade. If an existing staff member becomes a graduate he will be given two special increments. If an existing staff member who is a graduate becomes a double graduate he will be given one further special increment in his/her scale from the month of declaration of the results provided however, that the company is given intimation in this respect by the workman concerned.

(i) (b) Typists who are promoted as stenographers will continue to get three additional increments in their grade on their promotion as at present.

(ii) (a) One special increment will be given to workmen passing Part I of the Associateship Examination of the Chartered Insurance Institute, London, or Licentiate Examination of the Federation of Insurance Institutes (J. C. Setalvad Memorial), Bombay, Graduates and double graduates will not be entitled to this increment.

(b) One special increment will be given to workmen (including graduates) passing Part II of the Associateship Examination of the Chartered Insurance Institute, London, or Part I of the Associateship Examination of the Federation of Insurance Institutes (J. C. Setalvad Memorial), Bombay.

(c) One special increment will be given to workmen (including graduates) passing Part III of the Associateship Examination of the Chartered Insurance Institute, London, or Part II of the Associateship Examination of the Federation of Insurance Institutes (J. C. Setalvad Memorial), Bombay.

(d) One special increment will be given to workmen passing the qualifying examination for Fellowship of the Chartered Insurance Institute, London, or for Fellowship of the Federation of Insurance Institutes (J. C. Setalvad Memorial), Bombay.

These special increments mentioned in clause 9 (ii) will be given from the year and the month in which the results of the examination are officially declared and according to the grade the workman is in that particular month.

(iii) (a) One special increment will be given to those passing Part I of the following examinations—

- Corporation of Certified Secretaries, London.
- Corporation of Accountants, Glasgow, and
- Chartered Accountants Examination, India,
- Graduates will not be entitled to this increment.

(b) One further special increment will also be given to those passing the above final examinations (i.e. in all two additional increments).

Graduates will not be entitled to this increment.

All the above special increments provided for in this clause shall be given to the existing staff who shall have passed the above examination after 1st January 1967 in the case of Bombay, Calcutta and Madras, and after 1st January 1968 in the case of other Branches, and also to the new recruits who pass the above Examinations after joining the Company.

10. *Special allowances*.—The following categories of workmen will be granted special allowance per month:

- (a) Workmen operating Comptometers, Gestetners and Banda Machine will be entitled to Machine allowance of Rs. 15/- per month.
- (b) One peon working in Bombay, Calcutta, Madras and Delhi carrying cash to and from the Bank will be entitled to an allowance of Rs. 10/- per month. One peon working in other Branch Offices and carrying cash will be paid a cash allowance of Rs. 5/- per month.
- (c) Peons in Departments who regularly do the work of pasting policy copies, endorsements and other documents will be given an allowance of Rs. 10/- per month.
- (d) No workmen shall be entitled to more than one allowance at a time and if two special allowances are applicable in any case, the higher allowance shall be paid. The special allowance would continue to be drawn by a permanent incumbent while on leave. A workman who is asked to work temporarily for not more than 30 days in a post carrying a special allowance would not be entitled to such special allowance.
- (e) The special allowances paid to the following workmen will be withdrawn from the date of this settlement. These workmen will be placed in the category of workmen, indicated against their names as mentioned hereinbelow:—

1. Mr. H. M. More	Record Clerk
2. Mr. D. S. Singh	Do.
3. Mr. P. S. Kadam	Do.
4. Mr. S. S. Pokle	Do.
5. Mr. B. P. Pandit	Peon

The above workmen will continue to perform their duties as hitherto and any other duties which will be allotted to them from time to time.

11. *Hours of work*.—(a) The normal hours of work of the following workmen will be as indicated below:—

- | | |
|--|--|
| 1. Clerical, referred to in paragraphs 2(a) (i), 2a (ii), 2a (iii) and 2a(iv) above. | Present working hours to continue but will not be more than 7 working hours per day. |
| 2. Record Clerks & Peons | Present working hours to continue, but will not be more than 42 hours per week. |
| 3. Liftmen, Watchmen, Plumbers, Gardeners, Wiremen/Electricians. | 8 working hours per day spread over 11 hours per day but not exceeding 48 hours per week, with a weekly holiday during the week. |
| 4. Drivers | 9 working hours per day spread over 12 hours per day but not exceeding 48 hours per week with a weekly off any day in the week. |

Any reduction in working hours from those existing at present shall take effect from the date of signing of this settlement. Timings will in that case be fixed by the management depending upon the exigencies of each Branch or Office.

Grace time will be allowed to workmen in accordance with Schedule 'C' to the settlement.

(b) *Holidays.—Clerical Staff, Record Clerks and Peons.*—All public holidays declared by the respective State Governments under the Negotiable Instruments Act, except 30th June, 31st December or such holidays declared by the State Governments which relate to affairs of the Banks, will be granted.

(ii) *Drivers, Watchmen, Liftmen, Wiremen/Electrician.*

Plumbers, Gardeners:—

Four specified holidays in a Calendar year, or over-time payment in lieu thereof.

12. *Over-time Allowance.*—(i) Over-time payment for actual number of hours worked after the normal working hours by a workman will be made at the rate of $1\frac{1}{2}$ times of his basic wage plus dearness allowance. The Staff will be required to work over-time on instructions of the Officer-in-Charge. An exception will be made in case where a workman cannot undertake over-time for valid and genuine difficulties.

(ii) It is agreed that no additional payment on account of over-time, if any, done by workmen prior to the date of signing this settlement will be due or claimed by the workmen due to revision of wages under this settlement or for any other reason.

13. *Out-door duty allowance.*—The current practice of payment of actual but reasonable out of pocket expenses incurred under instructions by the workman during his out-door duties will continue.

14. *Gratuity.*—Gratuity will be paid to workmen in accordance with the terms and conditions of the Gratuity Scheme detailed in Schedule 'D' attached hereto.

15. *Provident Fund.*—The rate of provident fund contribution of the workmen shall be 8-1/3 per cent of basic salary (excluding all allowances). An equal contribution will be made by the Company.

16. *Leave.*—Workmen will be granted leave in accordance with the leave rules given in Schedule 'E' attached hereto.

17. *Medical Aid.*—Medical benefits will be granted to workmen as per the Medical Aid Scheme given in Schedule 'F' attached hereto.

18. *Retirement Age.*—Normally, every workman will retire at the attainment of the age of 60 but the Company may, at their sole discretion, grant further extension if any workman is medically fit and his services are required by the Company. The Management may also at its sole discretion require a workman to retire earlier than the age of 60 on medical grounds if certified by a consulting physician or surgeon.

19. *Promotion.*—(a) As far as possible, senior posts will be filled in from the existing staff at the discretion of the management after considering the workman's qualifications, ability, efficiency and knowledge. The management may appoint any other person from outside, if it considers it necessary.

(b) The Company does not undertake, as a matter of right, to absorb in the clerical grade or record clerk's grade peons who pass Matriculation or any equivalent examination. The Company may, however, consider such cases on merits sympathetically.

(c) Typists who learn stenography will be given preference when new vacancies of stenographers arise. The criterion for appointment will, however, be efficiency and, if in the opinion of the management such typists are less efficient than other applicants, the latter will be given preference.

20. *Probation.*—(a) The probationary period of three months will apply to all workmen and in case the management desires to extend further the probationary period, it will have the right to extend the probationary period further but not exceeding three months.

(b) No workman will be kept on probation for more than six months.

(c) No workman will be kept temporary for more than three months in any Calendar year.

21. *Uniforms.*—Four Pants, four coats, four caps, one umbrella and one pair of chappals will be supplied to drivers, record clerks, peons, watchmen, liftmen, plumbers and gardeners every year. These workmen shall wear the uniforms when on duty and the loss of any of these articles shall be borne by the workman concerned and no replacement will be made by the Company.

22. *Victimisation.*—The Company will not victimise or ill-treat any workman for his trade union activities. All trade union activities shall be carried on outside office hours.

23. *Transfer.*—Transfer of workmen from one department to another in the same office will be made by the management according to the exigencies of the Company's business. If the transfer is made at the discretion of the management, the seniority of the workman will be maintained.

24. *Bonus.*—The declaration and payment of bonus will be subject to the sanction and approval of the Board of Directors and the Central Government.

25. *Period and scope of settlement.*—(i) This settlement shall remain in force upto 31st December, 1970. The settlement shall continue to remain in force thereafter until it is terminated by either party by giving a notice of two months in writing to the other after 31st December 1970.

(ii) The settlement will be only applicable to all workmen for whom grades are fixed under this settlement and who are in the service of the Company as on the date of signing this settlement or thereafter. However, monetary benefits, accruing under this settlement shall be given to workmen who have retired, died or terminated simpliciter (except temporary workmen) from service prior to the date of this settlement.

26. *Settlement not to apply to certain categories.*—Notwithstanding anything contained in the settlement, this settlement shall not apply to part-time workmen.

27. *General.*—(i) In consideration of this settlement all the demands which are subject matter of the dispute in reference C.G.I.T. No. 2 of 1967, which are not specifically covered by this settlement shall be deemed to be settled as having been withdrawn and the workmen shall not agitate the said demands during the currency of this settlement.

(ii) All payments accrued to the credit of the workmen as a result of this settlement shall be paid as early as possible but not later than four months from the date of this settlement.

(iii) Any dispute arising out of the interpretation of any clause of this settlement shall be settled between the parties to the dispute by mutual discussions. Failing this, the parties will resort to the provisions of the Industrial Disputes Act or any other law for the time being in force.

28. This settlement is arrived at with the sincere intention of maintaining cordial relations between the workmen and the management. The management and the workmen shall carry out the terms of this settlement in its true spirit.

29. The parties shall make an application before the Central Government Industrial Tribunal in reference C.G.I.T. No. 2 of 1967 to make an award in terms of this settlement. The parties shall also send copies of the settlement under Section 18(1) read with section 2(p) of the Industrial Disputes Act, 1947, to the various authorities prescribed under the Act.

IN WITNESS WHEREOF the parties have hereto set their hands the day and year first above written.

Signed for and on behalf
of the Workmen by the
All India Insurance Employees'
Association.

(Sd.) K. S. B. PILLAI,
Joint Secretary
All India Insurance
Employees' Association.

Signed for and on behalf of
The New Great Insurance
Company of India Ltd.

(Sd.) B. S. RAMAKRISHNAN,
Deputy General Manager.

Witnesses :

1. (Sd.) P. B. BHAT,
Group Secretary
2. (Sd.) B. J. DATAR

Witnesses :

1. (Sd.) S. V. MOKASHI
2. (Sd.) D. S. DIKSHIT

SCHEDULE "A"

Sectional Heads in Bombay Office

[referred to under clause 2(a) (iv)]

1. Mr. Y. G. K. Prabhu
2. Mr. N. V. Viswanathan
3. Mr. K. P. Parekh
4. Mr. R. J. Mehta
5. Mr. R. K. Mehta
6. Mr. P. B. Bhat
7. Mr. B. J. Datar
8. Mr. G. Ramaswamy
9. Mr. N. G. Shah

STENOGRAPHERS

[referred to under clause 2(a) (ii)]

Bombay

1. Miss Rita D'Silva
2. Mr. T. S. L. Narayan
3. Mr. P. S. Mani
4. Mr. A. P. Nanu
5. Mr. V. T. Raghunath
6. Mr. V. Raman

Calcutta

1. Mr. B. K. Gangopadhyaya

New Delhi

1. Mr. R. C. Bharadwaj
2. Mr. S. L. Taneja
3. Mr. Haveliram Gulati

Madras

- Mr. P. V. Ratnanabhan

Jaipur

- Mr. K. G. M. Nair

SENIOR ASSISTANTS

[referred to in clause 2(a) (iii)]

Ahmedabad

- Mr. U. G. Dave

Agra

- Mr. K. K. Gupta

Ludhiana

- Mr. W. C. Agarwal

Baroda

1. Mr. N. M. Desai
2. Mr. H. T. Shahiwalla

Bhavnagar

- Mr. I. P. Bhuva

Bombay-General/Accounts Department

1. Mr. N. K. Gandhi
2. Mr. P. S. Mody
3. Mr. G. M. Ved
4. Mr. K. R. Krishnan
5. Mr. V. C. Joshi
6. Mr. C. B. Gurao
7. Mr. C. P. Thakkar

8. Mr. J. S. Rao
9. Mr. B. R. Desai
10. Mrs. S. S. Nagarkatti
11. Mr. S. R. Ganguli
12. Mr. L. K. Thakkar

Fire Department

1. Mr. B. K. Mhatre
2. Mr. J. B. Deorukhar
3. Mr. J. G. Valia
4. Mr. L. T. D'Silva
5. Mr. J. C. Mehta
6. Mr. R. T. Srinivasan
7. Mr. R. Ramachandran
8. Mr. P. G. Karekar
9. Mr. A. S. Mahadevan
10. Mr. D. B. Chitalia
11. Mr. A. R. Sanghvi

Marine Department

1. Mr. P. N. Subramanian
2. Mr. M. C. Tripathi
3. Mr. C. K. Mehta
4. Mr. P. M. Sarai
5. Mr. P. R. Sivaraman
6. Mr. R. N. Desai
7. Mr. K. S. Fadia

Accident Department

1. Mr. G. N. Shanbhag
2. Mr. K. Raja Rao
3. Mr. M. V. Parekh
4. Mr. C. R. Subramanian
5. Mr. V. R. Gole
6. Mr. C. Gangadharan

Calcutta

1. Mr. S. L. Banerjee
2. Mr. S. K. Dutta
3. Mr. D. C. Saha
4. Mr. D. N. Saha
5. Mr. S. R. Bhattacharjee
6. Mr. P. K. Banerjee
7. Mr. C. R. Mehta

Hyderabad

1. Mr. P. R. K. Panicker
2. Mr. S. R. P. Raman

Mysore

1. Mr. V. N. S. Sastry
2. Mr. P. C. Sogani
3. Mr. B. K. Nair
4. Mr. H. K. Punjabi

Jodhpur

1. Mr. R. S. Babel

Kanpur

1. Mr. C. M. Jain

New Delhi

- Mr. H. B. Gupta

Nagpur

1. Mr. R. B. Walekar
2. Mr. D. N. Lutade.

Patna

Mr. T. N. Chowdhary

Ujjain

Mr. M. S. Jain

Sangli

Mr. H. B. Dalvi

Madras

1. Mr. K. G. Menon
2. Mr. K. Y. Narayan Rao
3. Mr. C. Janardhanan
4. Mr. N. Narayanan

ANNEXURE "B" (Statement No. 1)

				Basic Salary	1st Jan. 1967 D.A. (Cost of living index) @197	Total monthly salary	Old Salary	Dec. 1966 old D.A.	Total monthly old salary	Total monthly difference excluding interim relief			
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.			
'A' Class													
Bombay													
Assistant	.	.	.	390.00	197.15	587.15	320.00	185.00	505.00	82.15			
Assistant	.	.	.	150.00	108.75	258.75	80.00	151.10	231.10	27.65			
Peon	.	.	.	85.00	82.95	167.95	35.00	100.00	135.00	32.95			
											DA to be redu- ced in 1968	DA to be redu- ced in 1969	DA to be redu- ced in 1970
'B' Class													
Jaipur													
Assistants	.	.	.	390.00	148.15	538.15	320.00	95.00	415.00	123.15	41.00	20.50	Nil
Assstants	.	.	.	150.00	83.75	233.75	79.00	80.00	159.00	74.75	47.10	23.55	Nil
Peon	.	.	.	85.00	62.95	147.95	35.00	65.00	100.00	47.95	15.00	7.50	Nil

Given below are examples showing calculation of salaries of Jaipur staff for 1968, 1969 and 1970 giving effect to the adjustments

						Salary as on 1-1-67	Add in- crement in July 1967	Total salary as on 1-1-68	D.A. as- suming index at 214 Pts. in January 1968	D.A. to be redu- ced in January 1968	Total D.A. pay- able as on 1-1-68	Salary as on 1-1-68	D.A. as on 1-1-68	Total salary as on 1-1-68
						Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
'B' Class Jaipur														
Assistant						390.00	15.00	405.00	193.85	41.00	152.85	405.00	152.85	557.85
Do.						150.00	8.00	158.00	108.36	47.10	61.26	158.00	61.26	219.26
Peons						85.00	3.00	88.00	78.72	15.00	63.72	88.00	63.72	151.72
						Salary as on 1-1-68	Add increment in July 1968	Total salary as on 1-1-69	D.A. assuming index at 200 Pts. on Jan- uary 1969.	D.A. to be redu- ced in Jan- uary 1969	Total D.A. payable as on 1-1-69	Salary as on 1-1-69	D.A. as on 1-1-69	Total salary as on 1-1-69
Assistant						405.00	15.00	420.00	161.50	20.50	141.00	420.00	141.00	561.00
Do.						158.00	8.00	166.00	93.10	23.55	69.55	166.00	69.55	235.55
Peons						88.00	3.00	91.00	67.30	7.50	59.80	91.00	59.80	150.80
						Salary as on 1-1-69	Add increment in July 1969	Total salary as on 1-1-70	D.A. assuming index at 190 Pts. in Jan- uary, 1970.	D.A. to be redu- ced in Jan- uary '70.	Total D.A. payable as on 1-1-70	Salary as on 1-1-70	DA. as on 1-1-70	Total salary as on 1-1-70
Assistant						420.00	15.00	435.00	137.75	Nil	137.75	435.00	137.75	572.75
Do.						166.00	8.00	174.00	82.20	Nil	82.20	174.00	82.20	256.20
Peons						91.00	3.00	94.00	58.80	Nil	58.80	94.00	58.80	152.80

ANNEXURE 'B' (Statement No. 2)

	Basic Salary	D.A. (Cost of living index) @197	Total monthly salary	Old Salary	Old D.A.	Total monthly, old salary	Total monthly difference ex. I.R.	Reduction in account of maxi- mum limit	Total monthly difference receivable in 1968	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
B Class										
Jaipur										
Assistant	150.00	83.75	233.75	79.00	80.00	159.00	74.75	47.10	27.65	
Peon	85.00	62.95	147.95	35.00	65.00	100.00	47.95	15.00	32.95	
								D.A. to be redu- ced in 1968	D.A. to be redu- ced in 1969	D.A. to be redu- ced in 1970
								Rs.	Rs.	Rs.
*C Class										
Sangli										
Assistant	150.00	63.75	213.75	60.00	40.00	100.00	113.75	*86.10	43.05	Nil
Peon	85.00	42.95	127.95	30.00	30.00	60.00	67.95	35.00	17.50	Nil

*As the reduction in D.A. is more than D.A. payable, the dearness allowance will be eliminated but no further D.A. will be paid until the increase in dearness allowance arising as a result of the rise in the cost of living index covers the deficit.

Given below are examples showing calculations of salaries of Sangli Staff for 1969, 1968 and 1970 giving effect to the adjustments

	Salary as on 1-1-67	Add increment in July 1967	Total Salary on 1-1-68	Assuming D.A. @ 214 Pts.	D.A. to be reduced in January 1968	Total D.A. payable as on 1-1-68	Salary as on 1-1-68	D.A. as on 1-1-68	Total salary as on 1-1-68
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>'C' Class</i>									
<i>Sangli*</i>									
Assistant	150.00	8.00	158.00	88.36	86.10	2.26	158.00	2.26	160.26
Peon	85.00	3.00	88.00	58.72	35.00	23.72	88.00	23.72	111.72
	Salary as on 1-1-68	Add increment in July 1968	Total salary on 1-1-69	Assuming D.A. @ 200 Pts.	D.A. to be reduced in January 1969	Total D.A. payable as on 1-1-69	Salary as on 1-1-69	D.A. as on 1-1-69	Total salary as on 1-1-69
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Assistant	158.00	8.00	166.00	73.10	43.05	30.05	166.00	30.05	196.05
Peon	88.00	3.00	91.00	47.30	17.50	29.80	91.00	29.80	120.80
	Salary as on 1-1-69	Add increment in July 1969	Total salary on 1-1-70	Assuming D.A. @ 190 Pts. on 1-1-70	D.A. to be reduced in January 1970	Total D.A. payable as on 1-1-70	Salary as on 1-1-70	D.A. as on 1-1-70	Total salary as on 1-1-70
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Assistant	166.00	8.00	174.00	62.20	Nil	62.20	174.00	62.20	236.20
Peon	91.00	3.00	94.00	38.80	Nil	38.80	94.00	38.80	132.80

SCHEDULE "C"

Rules regarding Grace Time

At the centres where grace time is allowed, it will be understood that this concession is not considered as a privilege for coming to Office late regularly or very often. Adequate reasons would have to be adduced for late attendance beyond ten minutes. Any workman arriving after the grace time will mark his actual time of arrival on the muster roll.

Any workman who comes late in any office for more than three days in a month will be deemed to be absent for one day for every three days of late attendance, and such absence will be deducted from casual leave due to him. In the event, casual leave is not due, the absence shall be deducted against, privilege leave, if any, due to him. If no casual leave or privilege leave is due to the workman, the absence will be treated as leave on loss of pay and necessary deduction from salary will be made.

Any workman arriving late by more than one hour after the scheduled time will be marked absent and will not be allowed to work unless permitted by the Head of the Department.

SCHEDULE "D"

Gratuity Rules

Every workmen shall be paid gratuity as follows:—

- | | |
|---|---|
| 1 On retirement | One month's basic salary for each completed year of continuous service, subject to a maximum of 15 months basic salary. |
| 2 In the event of death of an employee or permanent disability certified by a Doctor nominated by the Company whilst in the service of the Company. | One month's basic salary for each completed year of continuous service subject to a maximum of 15 months' basic salary to be paid to the disabled workman or if he/she is dead, to his/her heirs, executors, legal representatives or assigns. |
| 3 In the event of resignation after 10 years service. | Three-Fourths of a month's basic salary for each completed year of continuous service but not exceeding 15 months' basic salary. |
| 4 On termination of service by the Company | <p>(a) After 5 completed years of continuous service but less than 10 years service—$\frac{1}{2}$ month's basic salary for each completed year of service.</p> <p>(b) After 10 completed years of continuous service but less than 15 years service $\frac{3}{4}$ of a month's basic salary for each completed year of service.</p> <p>(c) After 15 completed years of continuous service 1 month's basic salary for every completed year of service subject to a maximum of 15 months' basic salary.</p> |

In the event of dismissal of a workman for gross misconduct involving financial loss to the company, the amount of gratuity if any payable shall be reduced by the amount of financial loss caused to the company by the misconduct resulting in the termination of the service.

The salary for the purpose of calculating gratuity will be the monthly basic salary exclusive of all allowances payable to a workman on the date the workman ceases to be in the employment of the company.

SCHEDULE "E"

Leave Rules

(a) *Privilege Leave*.—For every eleven months of actual service with the company, a workman will be entitled to one month's privilege leave. Such leave when due can be accumulated up to a maximum of 90 days but no workman will be allowed more than 60 days leave at a time. Accumulated leave in excess of 90 days will be deemed to lapse. Applications for privilege leave will be made 15 days in advance. Privilege

leave may prefixed or suffixed to holidays. Privilege leave when due will be granted according to the exigencies of the Company's business. If a workman is refused privilege leave when applied for, his rights in respect of such leave will be safeguarded.

A workman who is on privilege leave should not in the normal course request for extension of leave. However, in case such extension is unavoidable, prior application for extension of leave should be made before the expiry of the leave already granted. Management on receipt of such application will communicate its decision on such an application. Failure to apply will result in loss of pay for the days of his absence from duty after the expiry of the sanctioned leave. The absence shall also be treated as unauthorised absence.

Encashment of privilege leave will be allowed only to workman who has accumulated leave of 60 days or more to his credit and provided that the workman while applying for encashment of leave also applies for not less than 30 days privilege leave. Maximum encashment of privilege leave will be limited to 30 days.

(b) *Casual Leave*.—A workman will be allowed 10 days casual leave per calendar year to meet casual and unforeseen circumstances, or not more than the maximum number of days laid down in the Shop and Establishment Act applicable to the Office concerned. Not more than 3 consecutive days casual leave will be allowed at a time. Casual Leave may either be prefixed or suffixed (but not both) to Sundays and Bank holidays, but only with the previous permission of the Management.

Casual leave shall not be availed of as far as possible, unless previously applied for and sanctioned by the Management. The need for previous application can be waived only in case of absence due to illness or accident, or other urgent reason deemed reasonable by the Management.

If a workman is marked late for more than 3 days in a month, he will forfeit casual leave for one day for every 3 days late coming.

If no medical certificate from a registered medical practitioner is produced, absence due to sickness of not more than 3 days will be treated as casual leave.

(c) *Sick Leave*.—A workman is entitled to a maximum of 15 days sick leave per year on full pay, subject to his producing a certificate from a registered medical practitioner. Such leave may be accumulated up to 100 days on full pay. If no medical certificate from a registered medical practitioner is produced, absence due to sickness of not more than 3 days will be treated as casual leave. A workman will also be allowed to exhaust his sick leave first, if he is entitled to such leave, and thereafter to utilise his privilege leave which may be due to him.

(d) *Maternity Leave*.—A married female worker who has been confirmed in the services of the company shall be granted maternity leave with full pay for 12 weeks, to be taken 6 weeks before confinement and 6 weeks after confinement. The birth of a child certified by a registered medical practitioner should be notified to the company.

Normally, maternity leave shall not be granted in conjunction with sick leave or privilege leave. However, in cases of genuine hardship, the Management at its discretion may make an exception.

Maternity leave will be granted only for the first and second deliveries during the female worker's life time.

SCHEDULE "F"

Medical Aid Scheme

(i) (a) The benefits under the above Scheme will be available to all permanent workmen of the Company covered by this settlement.

(b) The workman must have completed one year's service to enable him/her to get the benefits under this Scheme. A workman will be entitled to join this Scheme on the 1st day of January of the year following completion of his/her one year's service.

(ii) The Company will create a separate fund called the Company's Medical Aid Fund for medical aid of the workmen by contributing to the said fund a sum of Rs. 75 per year to the credit of each workman, to be utilised for the benefit of the workman in the manner hereinafter provided.

(iii) A workman will take medical treatment as and when he may require the same from his own Doctor who shall be a registered medical practitioner.

(iv) Any workman entitled to the benefits of the Scheme will submit his/her Bill in respect of costs of mixtures, injections, patent medicines, X-rays, pathological examinations, specialists' consultation fee but excluding dentists' Bills and maternity expenses, together with supporting vouchers at the end of every three months, viz., 31st March, 30th June, 30th September and 31st December of every year, for medical treatment undergone by him/her to the Company who, if satisfied about the same, will reimburse the workman by paying three-fourths of the amount of the Bill out of the amount standing to his/her credit in the said fund, provided that the amount payable to a workman shall not exceed Rs. 75 per year.

(v) If a workman has not taken advantage of the medical benefit available to him/her under the Scheme during any year, he/she will be entitled to accumulate the unused or unspent amount lying to his/her credit for three consecutive years, i.e. to accumulate to his credit a sum of Rs. 225 and he/she may if so necessary, be allowed to take benefit of the Scheme up to Rs. 225 for the three years, provided that if the amount is not at all utilised by him/her at the end of the period of three years, the entire amount or portion thereof lying to his/her credit shall lapse and shall then belong to the Company.

(vi) A workman shall take all reasonable precautions to prevent injury or illness to himself/herself and especially when any disease is prevalent in epidemic form.

(vii) If a workman has to undergo hospitalisation treatment, the company will bear and pay the expenses of such hospitalisation up to three-fourths of such expenses of hospitalisation actually incurred by the workman on production of the Bills. The Bills that will be reimbursed by the company shall not exceed three weeks hospitalisation per year, in the manner specified below:—

Three-fourths of actual charges but not exceeding.....	
Staff (Grades I to IV)	Rs. 20 per day as room charges.
Sub-Staff (Grades V to VIII)	Rs. 10 per day as room charges.

In addition to the above, operation and other medical expenses incidental to the hospitalisation, such as honoraries' visit charges, operation theatre or table charges, medicines and injections will also be borne by the company to the extent of three-fourths of the amount applicable to the class nearest to the one referred to in this paragraph.

The company will reimburse a workman to the extent of three-fourths of hospitalisation expenses as mentioned above, on production of Bill of such charges.

(viii) Under this Scheme of Medical Aid, a workman will not be entitled to medical benefit in the following cases:—

(a) insanity, venereal diseases or any medical treatment necessitated by a workman's own rash or reckless act,

and/or

(b) any medical treatment other than hospitalisation taken by a workman outside the City/Town where the Office of the company concerned is situated. (The benefit will, however, be available to such workmen who have their place of residence outside the City/Town where the office of the Company is situated, and who attend to their work from such place of residence).

[No. 74(13)/66-LRIV.]

ORDER

New Delhi, the 26th October 1968

S.O. 3874.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Advance Insurance Company Limited, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the demands raised by the General Insurance Employees Union, Bombay in respect of the employees of Advance Insurance Company Limited, Bombay with regard to the following matters are justified?

- (a) Classification of employees, scale of pay, dearness allowance, adjustment, special allowance, special increments, overtime allowance, officiating allowance, and house rent allowance.
 - (b) Free medical aid, gratuity, retirement age, provident fund, and uniforms for employees in Grades 'A' and 'B'.
 - (c) Leave benefits viz. casual leave, privilege (earned) Leave, sick leave, maternity leave, examination leave, special leave, furlough leave, sectional holidays and holidays.
 - (d) Leave fare concession.
 - (e) Temporary Staff and promotions.
- If so, to what relief are the employees entitled?

[No. 25/9/68-LRII.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 13th October 1968

S.O. 3875.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Dutta's Central Kajora Colliery of Dutta's Central Kajora Coal Company (Private) Limited, Post Office Kajoram, District Burdwan and their workmen, which was received by the Central Government on the 15th October, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 2 OF 1968

PARTIES:

Employers in relation to the Dutta's Central Kajora Colliery of Dutta's Central Kajora Coal Co. (P) Ltd.,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee—*Presiding Officer.*

APPEARANCES:

On behalf of Employers—Shri N. Das, Advocate.

On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 682/67/LRII, dated January 6, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to Dutta's Central Kajora Colliery of Dutta's Central Kajora Coal Co. (Private) Ltd., and their workmen, to this tribunal, for adjudication, namely:—

"Whether the employers of Dutta's Central Kajora Colliery, P.O., Kajoram District Burdwan were justified in terminating the services of Shri Nandlal Mitra with effect from the 10th June, 1967? If not, to what relief is the workman entitled?"

AND

2. The cause of the workman does not appear to have been espoused by any trade union. Notice of the reference was directed to be served both on the employer company

and the workman concerned, by an order dated January 15, 1968. By the said notice the workman concerned was called upon to file his written statement within 10 days of the receipt of the notice and the employers concerned were directed to file their written statement within 10 days of the receipt of the written statement filed by the workman. It appears from the postal acknowledgement, that the notice was received by the workman concerned on January 27, 1968. He did not enter appearance before this tribunal nor did he file any written statement.

3. Thereafter, by an order made on July 24, 1968, the 8th of August, 1968 was fixed for fixing the date of hearing of the reference in the presence of the parties. On August 8, 1968, H. Bhalotia, a director of the employer company, appeared before this tribunal but nobody appeared for the workman. On that day, the employer company filed an application praying that the workman be called upon to produce certain documents, at the time of the hearing of the reference before this tribunal. The prayer was granted and notice, by Registered post, was sent to the workman concerned calling upon him to produce the aforesaid documents on October 9, 1968, which was fixed as the date of peremptory hearing. It appears from the postal acknowledgement receipt that the workman concerned received the notice on August 21, 1968.

4. Today, the management appeared through an Advocate. The workman did not enter appearance nor did he file the documents, which he had been called upon to do. I waited for him upto quarter to twelve, but he did not come. Mr. Das, learned Advocate for the employer company, stated that the employer company was not aware of the whereabouts of the workman concerned. In these circumstances, I presume that the workman concerned is not interested in pursuing the dispute any longer or that no dispute now exists between the parties.

5. In the circumstances aforesaid, I record a 'no dispute' order between the parties and make an award accordingly.

Sd./- B. N. BANERJEE.

Presiding Officer.

Dated, October 9, 1968.

[No. 6/82/67-LR-II.]

S.O. 3876.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Jote Dhemo Colliery, Post Office Ukhra (Burdwan) and their workmen, which was received by the Central Government on the 14th October, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 88 OF 1967

PARTIES:

Employers in relation to management of Jote Dhemo Colliery,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee—*Presiding Officer.*

APPEARANCES:

On behalf of Employers—Absent.

On behalf of Workmen—Three concerned Workmen

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/54/67-LR-II, dated November 14, 1967, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Jote Dhemo Colliery and their workmen, to this tribunal, for adjudication, namely:—

“Whether the management of Jote Dhemo Colliery was justified in dismissing S/Shri Dipnarayan Singh, Sarju Singh and Ramharak Abir from service with

effect from the 6th February, 1967? If not to what relief are the workmen entitled?"

2. The workers appear to have settled the dispute out of this tribunal, with the employers. In token thereof they filed a petition cancelling the authority of Asansol Coal Field Workers' Union, which had adopted their case, and praying that the reference be dropped. I, therefore, find that there is no further dispute between the employers and the workmen and make a "no dispute" award in this reference. Let the petition filed before this tribunal today form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, September 16, 1968.

The Presiding Officer,
Central Government Industrial Tribunal (No. 2),
20, British Indian Street, 3rd floor,
Calcutta.

Respected Sir,

REFERENCE No. 88 OF 1967

With reference to the above we beg to submit that we have made settlement with the Management of Jote Dhemo Colliery for our payments and service and hence the General Secretary, Asansol Coalfield Workers' Union, Asansol is no more authorised to represent us in our case fixed for hearing on 16th September, 1968.

We therefore, request you to kindly drop the case as everything has been settled with the management of Jote Dhemo Colliery.

Yours faithfully,

(Sd.) DIPNARAYAN SINGH,
L.T.I. of Sarju Ahir.
L.T.I. of Ramharak Ahir.

Dated, 13th September, 1968.

Jote Dhemo Colliery,
P.O. Ukhra, District Burdwan.

[No. 6/54/67-LR-II.]

S.O. 3877.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Jote Dhemo Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 14th October, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 77 OF 1967

PARTIES:

Employers in relation to the Jote Dhemo Colliery.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee—Presiding Officer.

APPEARANCES:

On behalf of Employers—Absent

On behalf of Workmen—Shri Madhusudan Roy.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 1/3/67-LR-II-(i), dated October 20, 1967, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and

Employment), referred the following dispute between the employers in relation to the Jote Dhemo Colliery and their workmen, to this tribunal for adjudication namely:—

"Whether the lock-out and subsequent lay-off without compensation of the workers of Jote Dhemo Colliery was justified? If not, to what relief are the workmen entitled?"

2. The employers were conspicuous by their non-cooperation with the proceedings before this tribunal. Notice of this reference was served upon the Manager of the employer concern calling upon them to submit their reply to the written statement of the workmen within 10 days of the receipt of the copy of such written statement. The employers took no step. Thereafter, notice was served upon them to attend before the tribunal for fixation of a date of hearing. On that date the union representing the workmen appeared but the employers did not. September 16, 1968, was fixed for hearing. The union representing the workmen appeared but the employers did not care to do so. In these circumstances, I was compelled to proceed in the absence of the employers.

3. The case made out by the workmen is that about 350 workmen are employed in the colliery known as Jote Dhemo Colliery. The employers defaulted in payment of salaries, wages and bonus to their staff and other employees for some months in the year 1966 and from the months of May and June onwards for the year 1967. About 27 workmen appealed to the management for payment of their dues, on August 7, 1967. The Manager of the colliery, Sri Roy Burman, expressed sympathetic attitude but Sri Girish Ojha, Special Officer of the Colliery paid no heed to the prayer. He even told them that none of the workmen need come from August 8, 1967 as the colliery would stop working from that day. The further case of the workmen is that when they reported for work, in the first shift of August 8, 1967, they found that there was nobody present either in the office or in the store room and the attendance room was under lock and key. This action of the management, the workmen state, amounted to illegal and unjustified lock-out. In order to cover up the wrongful action, the workmen state, the management sent notice in form 'N', falsely reporting that there was a strike in the colliery and because of the illegal strike the management was compelled to lay-off their workmen from August 8, 1967. The story of strike by the technical and supervisory staff is denied by the workmen.

4. The workers approached the Assistant Labour Commissioner (Central), Raniganj, for conciliation. The employers, however, did not appear before the said Officer. From the failure report, it appears that the employers merely contended themselves by filing a strike report in form 'N'.

5. In support of the case made by the workmen, three witnesses were examined. Two of them were workmen of the colliery, namely Patiraj Rajbhar (Pickminer) and Ramadhar Harijan (Trammer). Both of them said that the colliery was kept under lock and key. They went to work but could not work. The third witness was one Arun Bhattacharjee, Joint General Secretary of the Asansol Coal Field Workers Union. He proved the letter which was addressed by the General Secretary of the Asansol Coal Field Workers Union to the Regional Labour Commissioner, dated August 12, 1967 (Ext. 1) on the illegal lockout of the colliery. The material portion of the said letter reads:—

"This is to inform you that the Management of Jote Dhemo Colliery have locked out their mine from the 1st Shift of 8th August, 1967, without observing any legal formalities as the Coal Industry is a Public Utility service.

On 7th August, 1967 the workers and staff of the colliery went in a joint deputation to the Manager and Shri G. C. Ojha to request them for payment of their Salaries, Weekly wages, Bonus etc. Shri G. C. Ojha refused to listen their grievances and as a retaliation action has closed the mine.***"

He further proved Ext. 2, the notice from the office of the Assistant Labour Commissioner, dated September 1, 1967, calling upon the parties to the dispute for conciliation. The conciliation apparently failed, as the reference to this tribunal, by the Government order quoted at the beginning of this award, amply shows. After the reference to this tribunal was made, the Labour Department of the Government of India made the following further telegraphic order (Ext. 4 and 4A):—

"DISPUTE JOTE DHEMO COLLIERY OVER LOCKOUT REFERRED TO INDUSTRIAL TRIBUNAL CALCUTTA FOR ADJUDICATION OF 20TH INSTANT SIMULTANEOUSLY CONTINUANCE LOCKOUT PROHIBITED UNDER SECTION 10(3) I.D. ACT".

6. This is the sum total of the evidence, on which I have to decide this case. Now, lockout means:

"the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him."

On the evidence before me, I have to hold that the employers closed the place of employment, they refused to continue to employ workmen and attracted the mischief of definition of lock-out. There is no reason why this lock-out was effected. I have, in the absence of better evidence, to hold that the lock-out was without sufficient reason and therefore illegal. Even after the reference to this tribunal, it appears, the employer company violated the order of Labour Department to lift the lock-out. That certainly attracts the penal provision of the law on them. Of the lay-off, I have no evidence before me. Arun Bhattacharjee, who deposed before me, said that he did not even see the order of lay-off posted by the management. Therefore, if there was any order of lay-off, that was also equally illegal.

7. In the view that I take, I hold that the lock-out and lay-off were both unjustified. The workmen are entitled to their salaries, wages and all other benefits from August 8, 1967, upto this date and until the lockout is lifted.

This is my award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, September 18, 1968.

[No. 1/38/67-LR-II.]

S.O. 3878.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Jote Dhemu Colliery, Post Office Ukhra, Burdwan and their workmen, which was received by the Central Government on the 15th October, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 95 OF 1967

PARTIES:

Employers in relation to the Jote Dhemu Colliery,

AND

Their workmen.

PRESENT

Shri B. N. Banerjee.—Presiding Officer.

APPEARANCES:

On behalf of Employers—Absent.

On behalf of Workmen—Shri Madhu Sudan Roy.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/56/67-LR-II dated December 4th 1967, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the Jote Dhemu Colliery and their workmen, to this tribunal, for adjudication, namely:

"Whether the management of Jote Dhemu Colliery was justified in not allowing Shri Hafiz Mia, Line Mistry, to resume duty on the 2nd February, 1967 after the re-opening of the colliery on the 22nd November 1966? If not, to what relief is the workman entitled?"

2. In spite of several notices neither the workman nor the employer appeared before this tribunal, nor did they file any written statement. Shri Madhu Sudan Roy, who is the General Secretary of the Asansol Coal Field Workers Union, States that he has not been able to establish contact with the workman concerned. In these circumstances, I feel that there is no dispute now subsisting between the employers and the employee. I therefore record a "no dispute" award in this reference.

Sd./- B. N. BANERJEE,
Presiding Officer.

Dated, September 16, 1968.

[No. F. 6/56/67-LR-II.]

S.O. 3879.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri P. C. Rai, Arbitrator in the dispute between the management of Rawanwara Khas Collieries of Messrs Oriental Coal Company Limited, Parasia, District Chhindwara and their workmen represented by M. P. Rashtriya Koyla Khadan Mazdoor Sangh, Chandametta, District Chhindwara, which was received by the Central Government on the 15th October, 1968.

ARBITRATION AWARD OF SHRI P. C. RAI, REGIONAL LABOUR COMMISSIONER (CENTRAL), JABALPUR IN THE CASE OF 5 COAL CUTTING MACHINE DRIVERS OF RAWANWARA KHAS COLLIERIES OF MESSRS ORIENTAL COAL COMPANY LIMITED, PARASIA.

RCL File No. J—83 (35)/67.

M/L&E File No. 5/65/67-LR.II

PRESENT

Shri P. C. Rai Regional Labour Commissioner (Central) Jabalpur Arbitrator.

Representing Employers—Shri R. L. Khullar, Manager, Rawanwara Khas Collieries, M/s. Oriental Coal Company Ltd., Parasia.

Representing the Workmen—Shri V. N. Dutta, General Secretary, M.P. Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Chandametta.

Ministry of Labour, Employment and Rehabilitation, Deptt. of Labour and Employment, by notification No. 5/65/67 dated 14th November 1967 published an order in the Gazette of India, which included an agreement under Section 10—A of the Industrial Disputes Act, 1947. By this order, the dispute was referred to my arbitration. The following is the relevant portion of the agreement:—

“It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri P. C. Rai, Regional Labour Commissioner (Central), Jabalpur:

Specific matters in dispute

Whether the notice of change in the service conditions given by the management on the 18th day of September, 1967 under Section 9—A of the Industrial Disputes Act 1947 in respect of the following workmen is just? If not to what relief are they entitled.

Name of the workmen:

- (1) Shri Kamaluddin
- (2) Shri Ramjan
- (3) Shri Saligram
- (4) Shri Churtan
- (5) Shri Sukhoo

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

(1) The management of M/s. Oriental Coal Company Ltd. in relation to their Rawanwara Khas Colliery, P. O. Parasia (Dist. Chhindwara—M.P.) and

(2) Their workmen represented by M. P. Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Chandametta, P.O. Parasia, Dist. Chhindwara—M.P.

(iii) Name of the Union, if any, representing the workmen:

M.P. Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Chandametta.

(iv) Total number of workmen employed in the undertaking affected:

950

(v) Estimated number of workmen affected:

2

The arbitrator shall make his award within a period of 3 months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.”

In response to my request, none of the parties submitted their written statements. However, the hearing in this case was fixed on 13th December 1967, to 24th January 1968 and the final hearing took place on 13th February 1968 at the Circuit House, Chhindwara. After preliminary discussion with the parties, they had agreed to jointly check with reference to seniority if the persons under dispute should be given work as Tugger-driver/

Khalasi and if the persons under dispute are senior they would be employed as Tugger Driver/Khalasi otherwise as trammer. In view of this, the parties agreed that no award was necessary.

Later on further dates of hearing on 15th May, 1968, 27th May 1968, 10th June 1968, 26th June 1968, 2nd August 1968, 14th August 1968, and 30th September 1968 were fixed and ultimately, the following minutes were recorded after hearing on 1st October 1968:—

"The parties informed me today that the arrangement made under proceedings on 13th February 1968 have been implemented as demanded by the union. The persons are employed as follows:—

- (1) Shri Kamaluddin as Dresser
- (2) Shri Ramjan as Haulage Khalasi
- (3) Shri Saligram as Dresser
- (4) Shri Chuttan as Haulage Khalasi
- (5) Shri Sukhoo as Haulage Khalasi

No. award is necessary.

Regarding wages, I directed the union to raise a fresh dispute, if they so desire."

In view of the above position, the parties have agreed that no award is necessary and I do not give any award.

P. C. RAI,

Regional Labour Commissioner (Central) Jabalpur Arbitrator.

JABALPUR,

Dated the 5th October, 1968/Asvina 13, 1890.

Asvina 12, 1890

[No. 5/65/67-LRII.]

New Delhi, the 24th October 1968

S.O. 3880.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Methani Colliery of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 14th October, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL. CALCUTTA

REFERENCE NO. 14 OF 1968

PARTIES :

Employers in relation to the Methani Colliery of M/s. Equitable Coal Company Limited.

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee —Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri M. K. Mukherjee, Advocate.

On behalf of Workmen—Shri Nikhilesh Das, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/12/68-LRII dated March 13, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the Methani Colliery of Messrs Equitable Coal Company Limited and their workmen, to this tribunal, for adjudication, namely:

"Whether the dismissal of Shri Bilovhari Chatterjee, Provident Fund Clerk, by the management of Methani Colliery with effect from the 10th November, 1967 was justified? If not, to what relief is the workman entitled?"

2. There is no dispute that the workman Bijoyhari Chatterjee was on sick leave from June 17, 1967 to July 3, 1967. This also appears from the attendance register Ext. B. According to the employer company, the workman again absented himself thereafter, without leave or authorisation. This is also borne out by the attendance register, Ext. B. On July 27, 1967, the workman abovenamed was called upon to show cause why disciplinary action should not be taken against him "for absenting without permission since July 1967."

3. Before I proceed further, I need state here that there is some dispute as to the department of the employer company, in which the workman was employed. According to the employer company, the workman was a clerk in the Cooperative stores. According to the workman, however, he had worked under the employer company in different capacities, firstly as an underground time-keeper, then as a Provident Fund clerk, thereafter as a *de-facto* pay clerk under his old designation as Provident Fund clerk and then as a clerk in the Colliery Cooperative Stores under his old designation of Provident Fund clerk. Further, according to the workman he was relieved of his work as a clerk in the Cooperative Stores, in August 1966, and worked in different capacities under the verbal orders of the Welfare Officer.

4. The workman showed cause to the charge levelled against him, on August 17, 1967, and therein stated:

"*** I beg to submit that I handed over the charge from Cooperative Stores on 26th August, 1966 and since then I was working in different capacities as per verbal instruction of our Welfare Officer. After my authorised sick leave, I was declared fit on 4th July, 1967 and approached the Welfare Officer for his instruction for my duty. He told me to wait till he gets instruction from H.O. regarding my duty. I am not absenting but waiting for his further instruction for my deputation, as he said. In this regard I should not have been issued chargesheet but an order of deputation should have been given to me. ***"

5. On the basis of the chargesheet, there was an enquiry held by Sri S. Banerjee, a Labour Officer of the employer company. On the first day of enquiry, that is to say on September 6, 1967, three witnesses on behalf of the management were examined, namely, N. B. Bose, the Welfare Officer, Robi Lochan Banerjee, the time keeper and A. Karak, clerk Personnel section. N. B. Bose stated in his evidence before the enquiring officer:

"I have to state that Sri Bijoyhari Chatterjee continuously worked as co-operative store clerk ever since 26th August, 1966. As he had no job at Cooperative Stores due to the Cooperative was under lock and key for some trouble, I took the permission of the Chairman and Secretary of the Cooperative Stores and told Sri Chatterjee to prepare paysheets of the trammers for 2 weeks payments only. again when the Cooperative was opened he worked at the Cooperative stores all along. Sri Chatterjee never came to me on 4th July, 1967 for duty and I never gave him any instruction that he would be given job only when Head Office would instruct me. The fact is that Sri Chatterjee absented from duty since 4th July, 1967 at his own accord."

On cross-examination, it was suggested to this witness that he had given trouble to the workman concerned in January 1967. He however denied this. The time-keeper Robi Lochan Banerjee said in his evidence, before the enquiring officer:

"I have to state that Sri Bijoyhari Chatterjee was deputed to work in the Co-operative Stores since its starting. He worked all along in the Cooperative Stores as a clerk even after 26th August, 1966. Sri Chatterjee reported sick from 17th June, 1967 and he was made fit on 4th July, 1967. After 3rd July, 1967 he never came to the colliery for duty, he was also not traceable in the colliery."

This witness was very ineffectively cross-examined by the workman. The other witness examined on behalf of the management, namely A. Karak, clerk in the Personnel Section, also stated that Bijoyhari Chatterjee was absenting from duty from July 4, 1967, of his own accord, and sent no information to the colliery. He did not come, this witness further stated, on July 4, 1967 for duty and also thereafter.

6. After the examination of the above named three witnesses the enquiry was adjourned to September 12, 1967, because the management wanted to examine further witnesses. Strangely enough, nobody on behalf of the management was present on September 12, 1967. The workman concerned alone attended the enquiry. It is said that on that day, before the enquiring officer, he made the following voluntary statement (Ex2):

"I have further to state in reply to chargesheet No. 1349 dated 27th July, 1967 that I was severely consulted by the workers of the colliery on 16th June, 1967 and became sick from that day. I was under the treatment of the colliery

Medical officer from 16th June, 1967 to 3rd July 1967. I admit that I did not come to the colliery on 4th July, 1967 and afterwards for reporting my duty due to fear of my life. I admit that I absented from my duty since 4th July, 1967 of my own accord owing to the reason stated above. I may kindly be excused for my fault."

The above statement was marked as Ext. 2 before this tribunal. The reason for giving this statement, I shall have to deal with hereinafter. The enquiry, however, was adjourned from September 12, to October 26, 1967, when Sibaprasad Misra, Accounts clerk and ex-chairman of the Cooperative Stores, was examined on behalf of the management. This witness stated that the workman Bijoyhari Chatterjee was all along employed in the Cooperative stores as a clerk and worked in the Cooperative Stores even after August 26, 1966 until he began to absent himself from duty from July 4, 1967. At the end of the enquiry proceeding the workman concerned wrote out as follows:

"I have to state in reply to my above chargesheet that I have nothing more to state over and above what I have already stated in reply to my chargesheet. I have no evidence either documentary or witness to produce."

The enquiring officer was not satisfied with the explanation given by the workman, for the following reasons:

- (a) from the evidence recorded it appeared that the delinquent Bijoyhari Chatterjee could not prove that he reported for duty to the Welfare Officer on July 4, 1967.
- (b) the delinquent also failed to prove that he was not working in the Cooperative stores after August 26, 1966. Therefore his place of duty was at Cooperative Stores In the cross-examination the delinquent also could not establish that he was not working at the Cooperative Stores after 26th August, 1966 as per verbal order of the Welfare Officer.
- (c) again the delinquent made another statement during the enquiry in which he admitted that due to fear of his life he absented from duty from July 4, 1967 of his own accord. The reply on the body of the chargesheet and his admission during the enquiry, the reply (on the body of the chargesheet) being contradictory, his reply on the body of the chargesheet cannot be relied upon. The delinquent also failed to produce any evidence in support of his case."

On the finding as aforesaid, the enquiring officer recommended his dismissal. That recommendation was accepted and the delinquent workman was ordered to be dismissed. This gave rise to an industrial dispute, which was espoused by the Colliery Mazdoor Congress and the matter was at last referred to this tribunal for adjudication.

7. When the dispute was placed before this tribunal, the written statement filed on behalf of the workman, by the General Secretary, Colliery Mazdoor Congress, introduced certain improvements in the defence of the workman, namely:

- (a) In paragraphs 7 to 15 of the written statement, it was stated that the charge was a got up one and was the product of the displeasure of the employer's Labour Adviser, S. K. Bhattacharjee, against the workman. It was alleged that about the middle of the year 1966, an incompetent person known as Misra and a dishonest person known as Fariddi respectively became Chairman and Secretary of the Cooperative Stores. Taking advantage of the position, Fariddi misappropriated a huge sum of money belonging to the Cooperative Stores. It was further alleged that Bijoyhari Chatterjee, the workman concerned, reported the matter to Taneja, the Chief Mining Engineer of the company, and S. K. Bhattacharjee, the Labour Adviser of the company, but they did not take any interest in the matter. The result was that the Cooperative Stores became defunct in the middle of June, 1967 and Fariddi got away. At this stage, it was also alleged, that Bijoyhari Chatterjee, the workman concerned, became sick and had to take sick leave for some time and after he became fit he went about asking for employment in some capacity but without any response from the employers. At last, he approached the Labour Adviser and asked for his job but the said Labour Adviser rebuked him and called him an accomplice of Fariddi. The workman did not succumb to this and reminded the Labour Adviser that he had complained about the malpractice of Fariddi earlier to him but no notice was taken of that complaint. He also made similar complaint to an Officer of the Cooperative Department of the West Bengal Government, who had come to enquire into the matter. This enraged the Labour Adviser, S. K. Bhattacharjee, and he thumbed up the false chargesheet upon the workman.

- (b) The Deputy Labour Adviser of the company, who was made the Enquiring Officer, it was alleged, told the workman concerned that he need not be serious about the charge and that he would have a talk with the Chief Mining Engineer and try to drop the charge against the workman. He however told the workman. It was further argued, that the Labour Adviser might oppose the dropping of the charge, unless the workman admitted the charge himself and, therefore, the workman should put his signature on a paper admitting the charge. If even thereafter, the Labour Adviser would not agree to drop the charge, the enquiring officer would destroy the incriminating paper.
- (c) In paragraph 20 of the written statement, it was stated that "the inducement and allurements held out by the Enquiring Officer did not stop there and to create confidence even reference to racial and provincial affinity was referred to and the workman, a man of straw in comparison with the dexterity and cleverness of Mr. Banerjee easily swallowed the pill and obliged the Enquiring officer in good faith and relying on his representation put his signature on the statement which more or less purported to be an admission of the charge."

This improvement, as introduced in the written statement, the workman wanted to prove by his evidence. He stated:

"During the course of enquiry the enquiring officer Mr. Banerjee asked me to see him at his bungalow. I saw him at his bungalow on September 11, 1967. At that time there had been only one day of enquiry and enquiry was part heard. On that day he suggested to me to put my signature on a statement, to be dictated by him, Mr. Banerjee wrote out this statement and I put my signature thereon. The signature is mine. What is written in the statement is not true. I put my signature on it through inducement.

In cross-examination he stated:

"The talk that I had with Mr. Banerjee about putting my signature on the statement, Ext. 2, nobody else is aware of and it was done privately. Before pleading about the putting of signature on Ext. 2, in the written statement before this Tribunal, I did not speak about this to anybody else earlier. It is untrue that I out of my own will put my signature on Ext. 2."

8. The enquiring officer, S. Banerjee, was examined before this tribunal. In his examination in-chief he said:

"The delinquent Bijoyhari Chatterjee volunteered one statement and I had the statement recorded. (Shown Ext. 2). This is the statement of Bijoyhari, which I recorded. The statement was read over and explained to him and admitted by him as correct. Thereafter, he put his signature on the statement."

9. It may be somewhat strange that the delinquent workman, who had shown cause denying the charge, who had on the first day of the enquiry cross-examined witnesses in order to disprove the charge, suddenly broke down on September 12, 1967 and made a full and complete admission of the charge. But, however, strange his conduct may be, I cannot induce myself to believe that the workman concerned was made to sign on that statement under false hopes held out by the Enquiring Officer. He is no 'Pardanashin' woman. He is a literate man, an English knowing person and to all appearance a man of some shrewdness. According to his evidence, he is capable of making complaints in high quarters.

10. There are three grounds on which I am not prepared to believe that the workman concerned made to make the admission contained in Ext. 2:—

(i) The workman addressed a letter to the Secretary, Methani Colliery Employees Cooperative stores, on December 1, 1967 (part of bundle of documents collectively marked Ext. A). That letter was voluntarily written by him. He states in this letter as follows:

"In this connection I would mentioned that I discharged my duty efficiently at the Cooperative stores all along. But the affairs of the Cooperative Stores became more and more irregular since Fariddi, the outgoing Secretary took over the charge resulting in some malpractices. The managing committee of the Cooperative store took no action against Mr. Fariddi which further deteriorated the situation and there was huge misappropriation of money.

Due to the shameful affairs there accrued labour trouble in the colliery and I became the victim of assault by some miscreants on 16th June, 1967 at the colliery.

I could not come to the colliery after the incident as I was afraid of my life and nobody took any step to prevent that. As a result of that I was chargesheeted

by the management for unauthorised absence and dismissed from company's service."

The statement contained in this letter is not very much different from the admission made by Bijoyhari Chatterjee in Ext. 2.

(ii) The domestic enquiry took evidence and believed in the evidence of the Welfare Officer, the time keeper, the personnel clerk and ex-Chairman of the Cooperative stores to the effect that the workman concerned was absenting from duty from July 4, 1967, without leave and without any permission. Those witnesses were cross-examined by the delinquent workman but they were not shaken in cross-examination. I am not sitting in appeal over the finding of the domestic enquiry. If other evidence supports the admission made by the concerned workman, I do not find any reason to differ from the finding arrived at the domestic enquiry.

(iii) At no time before filing the written statement before this tribunal, did the workman complain to anybody that a statement containing an admission by him was wrongfully procured from him by the Enquiring officer and was being used as a ground for dismissing him. According to the evidence of the concerned workman, the statement was to be returned to him if the charge was not dropped. I wonder how the workman could be so good as to believe in the verbal statement of the Enquiring Officer that he had had destroyed the signed statement of the workman. It was expected that he would raise a row over this procured statement earlier, if his story was true.

11. For all these reason, I find that the workman has failed to make out any case. Even if the admission is to be kept out of consideration, even then there is the evidence of the Welfare Officer, the time-keeper and the personnel clerk, as also of the ex-Chairman of the Cooperative stores, all of whom unanimously say that the concerned workman was absenting without leave from July 4, 1967. Therefore, the charge of absenteeism is made out against the concerned workman even without his admission. Since I cannot interfere with the findings of the domestic enquiry based on evidence, which are not perverse, I have to accept the findings as they are.

12. It was next argued before me that even if the charge was made out against the workman, he should not have been penalised with the extreme penalty of dismissal. This argument is misconceived. Absence without permission and without satisfactory reason, for more than 10 days, is a misconduct under the Standing Orders of the employer company (Ext. C). Once this conduct is established, the quantum of punishment is in the hands of the employer. It is not for me to substitute a lesser punishment than what the employer thought fit and proper to impose.

13. For the reasons aforesaid, I am of opinion that the dismissal of Bijoyhari Chatterjee by the management of Methani Colliery with effect from 10th November, 1967 was justified and the workman is not entitled to any relief.

I award accordingly.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, September 19th, 1968.

September 19th, 1968.

[No. 6/12/68-LRII.]

ORDERS

New Delhi, the 25th October 1968

S.O. 3881.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Simlabahal Colliery of Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Simlabahal Colliery owned by Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad was justified in stopping the following workmen from work with effect from the dates noted against each :—

S.No.	Name of the workmen	Designation	Date
1.	Shri Sattar Selkh	Pick Miner	2-4-1968
2.	„ Seo Lal Sao	„	27-4-1968
3.	„ Dushu Rabidas	„	27-4-1968
4.	„ Nityan Sao	„	28-3-1968
5.	„ Sadhu Koiri	„	28-3-1968
6.	„ Lakhen Pandit	„	28-3-1968
7.	„ Babul Koiri	„	28-3-1968
8.	„ Cungi Jaiswara	„	28-3-1968
9.	„ Jawahir Loth	„	28-3-1968
10.	„ Nandku Loth	„	28-3-1968
11.	„ Dayal Jaiswara	„	28-3-1968
12.	„ Bhurai Jaiswara	„	28-3-1968
13.	„ Babib	H/Mazdoor	1-3-1968
14.	„ Wazil Main	Trammer	1-3-1968
15.	Most Habibon Bibi	W/Lorder	1-4-1968

If not, to what relief are the workmen entitled ?

[No. 2/106/68-LRIL.]

New Delhi, the 26th October 1968

S.O. 3882.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Hindustan Lalpeth Colliery, Chanda, District Chanda (Maharashtra) and their workmen in respect of the matters specified, in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Hindustan Lalpeth Colliery, Chanda, District Chanda was justified in refusing to pay pushing allowance to underground Loaders at the rate prescribed in para 37 of Wage Board's Recommendations at page 116 (Vol. I) of the Report of the Central Wage Board for the Coal Mining Industry ? If not, to what relief, are these workmen entitled ?

[No. 1/12/68-LRIL.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 23rd October 1968

S.O. 3883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the Industrial Dispute between the employers in relation to Messrs. A. C. Roy and Company (Private) Limited, Calcutta, and their workmen, which was received by the Central Government on 17th October, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

REFERENCE NO. 1 OF 1968

PARTIES :

Employers in relation to Messrs A. C. Roy and Company (Private) Limited, Calcutta,

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES :

Shri R. Das Gupta, Labour Adviser.—*On behalf of Employers.*

Shri P. K. Ganguly, Joint General Secretary, National Union of Waterfront Workers.—*On behalf of Workmen.*

STATE : West Bengal.

INDUSTRY : Port and Dock.

AWARD

By Order No. 28/49/67-LR.III, dated November 2, 1967, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following disputes between the employers in relation to Messrs A. C. Roy and Company (Private) Limited, Calcutta, and their workmen, to this tribunal for adjudication, namely :

"Whether the following demands of the Assistant Supervisors of Messrs A. C. Roy and Company (P) Limited, Calcutta are justified? If so, what relief are they entitled to and from what date?"

1. 8 paid holidays in a calendar year.
2. Acting allowance at enhanced rates and also for night shift Assistant Supervisors.
3. Paid weekly holiday.
4. Attendance allowance.
5. Casual Leave, sick leave and privilege leave.
6. House rent and City Compensatory allowance.
7. Children's Education allowance."

2. The employer company appeared before this tribunal through Shri R. Das Gupta, Labour Adviser. The cause of the workmen was espoused by the National Union of Waterfront Workers and Mr. P. K. Ganguly, Joint General Secretary of the Union, appeared before this tribunal to represent the workmen.

3. The parties to the dispute amicably settled their disputes and in token thereof filed a joint petition of compromise before this tribunal. They prayed that an award be made in terms of the joint petition of settlement.

I award accordingly. Let the joint petition of settlement form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, October 4, 1968

**BEFORE SHRI B. N. BANERJEE, PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, CALCUTTA**

In the matter of Reference No. 1 of 1968

AND

In the matter of an industrial dispute

BETWEEN

Messrs. A. C. Roy & Company Private Limited, 19, R. N. Mukherjee Road, Calcutta-1
(hereinafter referred to as "the Company")

AND

Their Workmen (Assistant Supervisors) represented by National Union of Waterfront Workers, 10, Mohan Chand Road, Calcutta 23

(hereinafter referred to as "the Union")

The humble petition of the company and the Union abovenamed.
Most Respectfully Sheweth:—

1. That your petitioners have amicably settled the dispute mentioned in the Schedule to the present Order of Reference, and submit this joint petition of compromise for consideration of the Honourable Tribunal.

2. That the aforesaid dispute have been settled on the following terms and conditions:

(i) *Paid Holidays*.—The workmen shall be entitled to the following holidays with pay in every calendar year:

- (a) Republic Day
- (b) Independence Day
- (c) Blijoa Dashmi
- (d) Mahatma Gandhi's Birthday
- (e) Kall Puia
- (f) Id-ul-Fiter
- (g) Id-uz-Zuha
- (h) Cristmas Day:

Provided that the workmen shall remain obliged to work on any of the aforesaid holidays as and when requisitioned by the Company, and that for such work on holidays, the workmen shall be paid single extra wages for shift/shifts so worked, in addition to a single wage for the holiday concerned.

(ii) *Acting Allowance*.—The workmen shall be entitled to acting allowance at the rate of Rs. 3 as and when they are required to act in place of Supervisors or any higher post.

(iii) *Acting Allowance for work on Night Shift (3rd shift)*.—The workmen shall be entitled to Night Shift Allowance at the rate of Rs. 2 for work on 3rd shift only.

(iv) *Paid Weekly Holiday*.—The workmen shall be entitled to weekly roster off with pay on a staggering basis. In other words, some of the workmen, as may be decided upon by the Company, will get one particular day as weekly holiday, and others so selected will get another day as weekly holiday, and in this way, everybody will get one day off in a week on the aforesaid basis. Such holiday will be paid holiday for those enjoying it.

(v) *Attendance Allowance*.—The workmen shall be entitled to Re. 1 per day for recording their attendance at the office on days when no work is available, provided that no attendance allowance shall be payable for any day for which wages have been paid.

(vi) *Leave*.—The workmen shall be entitled to leave facilities in every calendar year on the following basis:

- (a) *Privilege leave* on full pay at the rate of one day for every 12 (twelve) days' work provided that attendance without availability of work shall be treated as 'on duty' for the purposes of calculation of leave. The leave shall be cumulative up to a maximum period of 90 days.

- (b) *Sick leave* on full pay for 7 (seven) days, provided that an additional 3 (three) days may be granted in exceptional cases at the discretion of the Company. The leave shall be cumulative by 7 (seven) days in every calendar year upto a maximum period of 60 days.
- (c) *Casual leave* on full pay for 5 (five) days. The leave shall be non-cumulative.
- (vii) *House Rent, City Compensatory Allowance and Children's Education Allowance.*—The Union forgoes the demands on the aforesaid items in consideration of the benefits agreed to by the Company hereabove.
- (viii) The Company agrees to give effect to the benefits stated hereabove with effect from 1st January, 1968, provided that calculations of arrears shall be done in consultation with the Union. The Union also agrees to extend necessary co-operation in the matter.

Your petitioners most humbly pray that the Honourable Tribunal may be graciously pleased to approve of the terms and conditions stated above and pass an Award in terms of this joint compromise petition.

And for this act of kindness, your petitioners as in duty bound shall ever pray.

Representing the Union

(Sd.) P. K. GANGULY,
Joint General Secretary,

National Union of Waterfront Workers

Representing the Company

(Sd.) S. M. CHOWDHURY,
Director.
(Sd.) R. DAS GUPTA,
Labour Advisor.

[No. 28/49/67-LR.III.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 24th October 1968

S.O. 3884.—Whereas the Central Government was satisfied that

- (1) Gurukul Kangri Pharmacy
- (2) Rishikul Ayurvedic Pharmacy

were situated in Hardwar area which was a sparse area (that is an area whose insurable population was less than 500) in the district of Saharanpur in the State of Uttar Pradesh:

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2665 dated the 11th November, 1961;

And, whereas the Central Government is satisfied that the insurable population of the Hardwar area in the district of Saharanpur in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In Schedule VI to the said notification under "Saharanpur Division" against Serial No. 15 the entry "Hardwar" in column 4 and the corresponding entries in column 5 shall be omitted.

[No. F.6(63)/68-H.I.I.]

S.O. 3885.—Whereas the Central Government was satisfied that The Ashok Plywood Trading Co. was situated in Jwalapur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Saharanpur in the State of Uttar Pradesh;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section

73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2665 dated the 11th November, 1961;

And, whereas the Central Government is satisfied that the insurable population of the Jwalapur area in the district of Saharanpur in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely :—

In Schedule VI to the said notification under "Saharanpur Division" against Serial No. 15, the entry "Jwalapur" in column 4 and the corresponding entry in column 5 shall be omitted.

[No. F.6(63)/68-HI.II.]

S.O. 3886.—Whereas the Central Government was satisfied that National Small Institute was situated in Jwalapur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Saharanpur in the State of Uttar Pradesh;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1883, dated the 1st July, 1963;

And, whereas the Central Government is satisfied that the insurable population of the Jwalapur area in the district of Saharanpur in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely :—

"In the Schedule to the said notification against Serial No. 5 relating to the District of Saharanpur, the entry "Jwalapur" in column 3 and the corresponding entry in column 4 shall be omitted."

[No. F.6(63)/68-HI.III.]

S.O. 3887.—Whereas the Central Government was satisfied that Uttar Pradesh Government Roadways Workshops was situated in Hardwar area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Saharanpur in the State of Uttar Pradesh;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1883, dated the 1st July, 1963;

And, whereas the Central Government is satisfied that the insurable population of the Hardwar area in the district of Saharanpur in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely :—

In the Schedule to the said notification, against Serial No. 5 relating to the District of Saharanpur, the entry "Hardwar" in column 3 and the corresponding entry in column 4 shall be omitted.

[No. F.6(63)/68-HI.IV.]

S.O. 3888.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 5A of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby appoints Shri Dharni Dhar as a member of the Central Board of Trustees, and makes the following further amendment in the notification of the Government of India in the late Department of Social Security No. S.O. 1156 dated the 1st April, 1965, namely :—

In the said notification, for the entry against serial number 3, the following entry shall be substituted, namely :—

“Shri Dharni Dhar, Internal Financial Adviser and Deputy Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi”.

[No. 4(5)67-P.F.I.]

CORRIGENDA

New Delhi, the 24th October 1968

S.O. 3889.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. 2876, dated the 22nd August, 1968, published in the Gazette of India Extraordinary, Part II, Section 3 Sub-section (ii) at pages 877 and 878,—

At page 877—

- (i) in line 12, for “Schemes” read “Scheme”;
- (ii) in line 18 for “employees” read “employer”;
- (iii) in line 22, for “Central”, read “Central or State”.

[No. 36(7)/67-PFI/I.]

S.O. 3890.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. 2877 dated the 22nd August, 1968, published at page 878 of the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii) dated the 22nd August, 1968 at page 878 in line 2, for “Schemes” read “Scheme”.

[No. 36(7)/67-PFI/II.]

DALJIT SINGH, Under Secy.

